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Canada Transport Commissioners
Board of



THE BOARD OF
TRANSPORT COMMISSIONERS FOR CANADA

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OF

JUDGMENTS, ORDERS, REGULATIONS AND RULINGS
OF THE BOARD OF TRANSPORT COMMISSIONERS
FOR CANADA

FROM APRIL 1, 1938, TO MARCH 31, 1939

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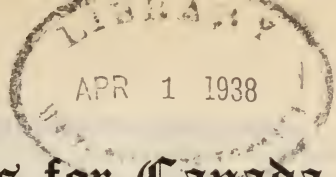
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Transport

The Board of Railway Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 1

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Appication of the Department of Roads for the Province of Quebec, for an Order authorizing the diversion of Provincial Highway No. 40, between Farnham and Cowansville, Quebec, by which two level crossings will be completely closed, and two others partially eliminated, and for a grant from the Railway Grade Crossing Fund and other Funds available under Votes of the Parliament of Canada, towards the cost of such diversion.

File 40233

Heard at Farnham, Que., October 13th, 1937

JUDGMENT

COMMISSIONER STONE:

The Town of Cowansville, the Cowansville Board of Trade and the Farnham Board of Trade were the original applicants in this case.

Following the submission of these applications to the Department of Roads of the Province of Quebec, and to the Canadian Pacific Railway Company, the Provincial Department of Roads made formal application to the Board under date of June 11th, 1937 for a grant from the Railway Grade Crossing Fund and other funds available under Votes of the Parliament of Canada, towards the diversion of that portion of Provincial Highway No. 40 between Scott Crossing at mileage 4.18 and Ferndon Crossing at Mileage 1.74 (shown on the plan at "B" and "E" respectively), and the closing of two Intermediate Side Road Crossings, known as "Rang Bricault" at the point marked "C" on the plan, and "Rang Gaudreau" at the point marked "D" on the plan; also for the construction of a pedestrian subway at "Rang Gaudreau," to provide an outlet principally for the school children residing on the south side of the Canadian Pacific Railway. The crossings at the points marked "B" and "E" on the plan to remain open, it being alleged that 98 per cent of the through highway traffic would travel by the new diversion.

The cost of the work to be undertaken, to which contribution is asked from the Board's funds, amounts to approximately \$68,000. The Department of Roads for the Province of Quebec agrees to pay 30 per cent of this cost, provided that the Board will contribute the remaining 70 per cent (estimated by the Board's Engineers to be \$47,600), and requests that the cost of the maintenance of the subway be placed upon the Canadian Pacific Railway Company.

The Canadian Pacific Railway Company offers no objection to the proposed highway improvement, provided that none of the costs in connection therewith, including the subway, are assessed against the Company.

In July, 1937, the Municipality of the Township of Farnham, West Part, filed protests against the closing of the side road crossings of "Rang Gaudreau" and "Rang Bricault," contending that these were indispensable for the use of ratepayers and school children of the district. The Provincial Department of Roads was advised that before the Board could consider this application for a grant towards the cost of the diversion,—“it will be necessary for the Municipality—having jurisdiction over the crossings which it is proposed to close at Bricault Range and Gaudreau Range to pass the necessary By-law to close the crossings immediately upon the construction of the diversion.”

On August 30th 1937, the Department of Roads for the Province of Quebec notified the Board it had no jurisdiction to close the level crossings of which the elimination is requested, and considered this a matter to be dealt with by the Board. On September 18th, 1937, and October 7th, 1937, the Municipality of the West part of the Township of Farnham filed with the Board further submissions as to why the crossings should not be closed.

The case was heard at Farnham, Que., on the 13th of October, 1937. Legal Counsel appeared for the Province of Quebec, the Municipality of Farnham, the Cowansville Board of Trade and the Canadian Pacific Railway Company.

Counsel for the applicant explained that the objections forwarded on behalf of the Municipality had reached him only on October 12th, 1937, but that he was prepared to submit to the Board an amendment to the whole project, and that details of this proposition, with revised plans, would be forwarded later to the Board and to the Municipality. The new proposition was to eliminate the proposed subway at "Rang Gaudreau," which was estimated would cost \$7,000 and in lieu thereof, an additional by-road would be built, at an estimated cost of \$10,000, the construction of which would shorten the distance for children attending school. The project as completed would entail the closing of the crossings on "Rang Bricault" and "Rang Gaudreau," and direct 80 per cent to 90 per cent of the through highway traffic from the Scott and Ferndon crossings.

Counsel for the Canadian Pacific Railway Company offered no opposition to the application as amended, provided no cost for any part of the work was placed on the Railway Company.

The Municipality strenuously opposed the proposition to close the level crossings on the side roads in Ranges Gaudreau and Bricault, as it contended that these roads serve exclusively the needs of a rural community, whose people require them for vehicular as well as pedestrian traffic. It was contended that an expenditure of \$7,000 for a pedestrian subway at Gaudreau crossing is unwarranted; that snow conditions in winter and water in spring would render it impassable. The view lines at both these crossings is unobstructed on all approaches and there is no record of any accident having occurred at either of them; that as the traffic travelling on Provincial Route No. 40 need not necessarily pass on these two range roads, there is no justification in interfering with the present status of either crossing.

Following the hearing and accompanied by representatives of the various parties concerned, the members of the Board made a personal inspection of the territory. It was noted that the grading of the new project between Scott and Ferndon was then practically completed, although the road was not surfaced. Clear vision of the railway right-of-way was obtainable at the level crossings at Range Bricault and Range Gaudreau.

On November 2nd, 1937, the Municipality of the Township of Farnham, West Part, adopted a resolution as being absolutely opposed to the granting of the said application of the Provincial Department of Roads, as amended in accord with the proposition submitted by that Department at the hearing on

October 13th, 1937, and subsequently forwarded in detail to the Board and to the Municipality on October 22nd, 1937.

The work undertaken by the Department of Roads of the Province of Quebec between Scott and Ferndon crossings is part of the highway improvement being made on Route No. 40. No level crossing will be closed on this portion of Route No. 40, but it is alleged that the new project will reduce the highway traffic from 80 per cent to 90 per cent from the Scott and Ferndon crossings, but the said traffic would not, of necessity have to pass over either of the municipal roads on which are located the railway crossings which the Quebec Department of Roads considers should be closed. The side roads in Ranges Bricault and Gaudreau are third class roads under Municipal jurisdiction and are necessary for the needs of the people in that territory. Elimination of the level crossings on these roads, it is alleged would handicap seriously farming and business interests.

The Board's Counsel is of opinion that,—

"Under the judgment of the Supreme Court of Canada, 40 C.R.C. 110, there must be clear statutory power given the Board to enable it to allow contributions for highway diversions except where the highway diversion is at the crossing. In other words, the diversion must eliminate the crossing.

"Vote No. 357 of the Transport Estimates 1937-38 is the Statutory provision from which the proposed contribution here will be made. It reads,—

'Amount to be applied by the Board of Railway Commissioners for Canada, towards the cost of actual construction work for the protection, safety and convenience of the public in respect of highway crossings of railways, as the Governor in Council may from time to time determine,—\$2,500,000.'

"The only enlargement of the Board's powers under it is that the 40 per cent of the cost of the work up to \$100,000 limitation does not apply to allowances from this appropriation.

"Since the highway diversion in this case is not at the crossing or crossings proposed to be closed, the effect of the Supreme Court of Canada judgment, as I read it, is to preclude a contribution towards the actual cost of the construction work involved, either from the Railway Grade Crossing Fund or from the Parliamentary Vote.* * * *"

"The powers of the Board in respect of highways are found in Sections 255, 256, and 257. Under them it may order that the highway be carried over, under or along the railway, or that it may be temporarily or permanently diverted. There is no express power to close the highway. The power to open and close highways is, by Provincial Act, vested in the Municipalities. * * * *"

"I think one must conclude, in the absence of specific authority to do so, as was given for construction over, under or along and the diversion of the highway, the power to close the highway does not exist."

In my opinion there is little justification in requiring the railway crossings on the Range roads to be closed as an incentive to secure a contribution from the funds administered by the Board towards the cost of the work undertaken by the Provincial Department of Roads between Scott and Ferndon crossings.

Therefore, considering all that is involved in this case, I would dismiss the application.

The Assistant Chief Commissioner concurred.

OTTAWA, February 28th, 1938.

Application of the Department of Roads for the Province of Quebec, for an Order authorizing the diversion of Provincial Highway No. 40, between Farnham and Cowansville, Quebec, by which two level crossings will be completely closed, and two others partially eliminated, and for a grant from the Railway Grade Crossing Fund and other Funds available under Votes of the Parliament of Canada, towards the cost of such diversion.

File No. 40233

GARCEAU, DEPUTY CHIEF COMMISSIONER (Dissenting):—

The diversion of Route 40 from a point marked "A" on the map to a point marked "F" eliminates from this main highway two level highway crossings, marked "B" and "E."

The construction of this new road or diversion permits the closing of level crossings at Ranges Gaudreau and Bricault, marked "C" and "D" on the map.

By the construction of this new highway the inhabitants of these ranges will have egress on both sides of the track towards the north by the old highway and towards the south by the new highway.

The applicant, in his amended application proposes to build a road from "X" to "Y," marked in green on the plan. This new road would provide greater convenience for children attending the school near Ferndon crossing.

The municipality objects strenuously to the closing of the crossings at points "C" and "D." It does not deny that everyone will have as much facility as heretofore to circulate, but it contends that the children on their way to school would have to pass over the Ferndon crossing, marked "E," which, they claim, is rather dangerous, while the two other crossings are not. Moreover, that, in winter it would impose on the municipality the burden of keeping open a greater length of highway.

I am not much impressed by the reasons given by the municipality against the closing of these crossings as the Ferndon crossing does not constitute a greater danger to pedestrians than the crossings at Ranges Gaudreau and Bricault.

A level crossing is always a potential danger and its elimination must be favoured whenever possible even when, as in this case, the sight lines are very good and the traffic very light.

The Board's powers to ensure the protection and safety of the public are very wide and I believe that it is within its jurisdiction in the special circumstances to order the closing of both crossings over the railway's right-of-way at Ranges Bricault and Gaudreau.

The new highway will eliminate at least 90 per cent of the danger at crossings "B" and "E" and can completely eliminate it at crossings marked "C" and "D."

There might be some slight inconvenience to some of the inhabitants at Ranges Bricault and Gaudreau, but the public travelling on new Route 40 will be relieved of the danger at crossings "B" and "E" and even the inhabitants located on the old Route No. 40 between points "A" and "F" will be protected against the dangers of a heavy public highway traffic.

With due deference for a different opinion, I would follow the dictum of Justice Rinfret in the case of Bell Telephone Co. vs. C.N.R., 39 C.R.C. p. 186 (at p. 205):—

"The Bell Telephone Co. objects that the Board has no jurisdiction to order the closing of a highway. There is much to be said in favour of the proposition that (the power vested in the Board to order that a highway be temporarily or permanently diverted and the wide power to order such measures to be taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction in

the opinion of the Board arising or likely to arise in respect of such portion or crossing, if any, or any other crossing directly or indirectly affected, confers authority upon the Board to order that part of a highway be closed or, at all events, authority to require the proper municipal authority to close it)."

The Board, in a recent decision *re*: Cummane Street Crossing, Truro, N.S., followed the above dictum. The municipality of Truro opposed strenuously the closing of the level crossing at Cummane street, but the Board overruled this objection. (46 C.R.C. p. 141).

The closing of two level crossings at Ranges Gaudreau and Bricault would not close any municipal road as contended by the majority judgment. As aforesaid, the new road built from "A" to "F" operates as a diversion giving egress to both of these ranges.

The amended application eliminates the pedestrian tunnel, the cost of which was estimated at \$7,000; this amount would have to be deducted from the \$61,000, leaving a balance of \$54,000, being the cost of the construction of the road between points "A" and "F" which is, in my opinion, a diversion road for the benefit of Ranges Gaudreau and Bricault.

The suggested road from "X" to "Y" can be considered only as a highway facility.

These two crossings at Gaudreau and Bricault Ranges can certainly be considered as, and they are, "affected" by the construction of the road from "A" to "F"; because, as aforesaid, it gives to residents of both ranges south of the railway tracks the means of reaching the main highway without having to pass over the tracks, as heretofore.

I might add that these two level crossings which, I consider, ought to be closed, were built for the sole purpose of serving the residents above referred to.

The diversion road is certainly a *protection at these crossings*. It is a work contemplated by section 257 of the Railway Act, when it says:—

" . . . such other work be executed . . . best adapted to remove or diminish the danger or obstruction in the opinion of the Board arising or likely to arise in respect of such portion or crossing, if any, or any other crossing directly or indirectly affected."

All inconvenience would be removed by the installation of revolving gates for the use of pedestrians, at each range; these gates, if required, to be paid and maintained by the applicant.

I would ask the Governor in Council to approve a grant of 70 per cent from the funds appropriated by Vote 357-1937, not to exceed \$37,800, if funds are available. If not, I would recommend a payment of 40 per cent from the Railway Grade Crossing Fund, not to exceed \$21,600. I would direct the closing of the two level crossings at Ranges Gaudreau and Bricault.

March 7, 1938.

TRADUCTION

Requête du ministère de la Voirie de la province de Québec demandant qu'il soit rendu une ordonnance autorisant la déviation de la route provinciale n° 40 entre Farnham et Cowansville, P.Q., par laquelle deux passages à niveau seront complètement éliminés et deux autres partiellement, et accordant un octroi à même la Caisse des passages à niveau et autres fonds disponibles en vertu de subsides du Parlement du Canada, pour défrayer le coût de telle déviation.

Dossier n° 40233

Cause entendue à Farnham, P.Q., le 13 octobre 1937.

JUGEMENT

STONE, COMMISSAIRE:

La ville de Cowansville et les chambres de commerce de Cowansville et de Farnham furent les premières requérantes en cette cause.

Après que ces requêtes furent soumises au ministère de la Voirie de la province de Québec et à la compagnie du chemin de fer Canadien du Pacifique, le ministère provincial de la Voirie adressa une requête formelle à la Commission, datée du 11 juin 1937, pour un octroi à même la Caisse des passages à niveau et à même d'autres fonds disponibles en vertu de crédits du Parlement du Canada, pour défrayer le coût de déviation de cette partie de la route provinciale n° 40 entre la traverse Scott au mille 4.18 et la traverse Ferndon au mille 1.74, indiquées sur le plan par les lettres "B" et "E" respectivement, et pour la fermeture de deux traverses situées sur des chemins latéraux intermédiaires connus sous les noms de "Rang Bricault" et "Rang Gaudreau", indiquées sur le plan par les lettres "C" et "D" respectivement; pour la construction aussi d'un passage inférieur pour les piétons au rang Gaudreau, dans le but de pourvoir à une sortie principalement pour les écoliers qui demeurent du côté sud de la voie du Pacifique-Canadien. Les traverses indiquées par les lettres "B" et "E" sur le plan devant rester ouvertes, vu qu'il est allégué que 98 pour cent de la grande circulation se feraient par le nouveau chemin-détour.

Le coût des travaux projetés, pour lesquels un octroi est demandé à même les fonds disponibles, s'élève à environ \$68,000. Le ministère de la Voirie de la province de Québec consent à payer 30 pour cent de ce coût, pourvu que la Commission contribue dans la proportion de 70 pour cent (estimé par les ingénieurs de la Commission au montant de \$47,600), et demande que le coût d'entretien du passage inférieur soit mis à la charge de la compagnie du chemin de fer Canadien du Pacifique.

La compagnie du chemin de fer Canadien du Pacifique n'offre aucune objection à l'amélioration projetée de la route, pourvu qu'aucune partie du coût en rapport avec cette amélioration, y compris le passage inférieur, ne lui soit imposée.

En juillet 1937, la municipalité du canton de Farnham, partie ouest, s'opposa à la fermeture des traverses des chemins latéraux des rangs Gaudreau et Bricault, prétendant qu'elles étaient indispensables à l'usage des contribuables et des écoliers du district. Le ministère provincial de la Voirie fut avisé qu'avant que la Commission puisse considérer cette demande d'octroi pour défrayer le coût de la déviation,—il va falloir que la municipalité qui a juridiction sur les traverses

que l'on se propose de fermer sur les rangs Bricault et Gaudreau passe un règlement par lequel elle s'engage à fermer les traverses en question aussitôt après la construction de ladite déviation".

Le 30 août 1937, le ministère de la Voirie de Québec avisait la Commission qu'il n'avait pas juridiction pour fermer les passages à niveau dont on demandait la suppression, et considérait que cette question devait être décidée par la Commission. Le 18 septembre et le 7 octobre 1937, la municipalité du canton de Farnham, partie ouest, fit parvenir à la Commission de nouvelles représentations mentionnant les raisons pour lesquelles les traverses ne devaient pas être fermées.

La cause fut entendue à Farnham, P.Q., le 13 octobre 1937. La province de Québec, la municipalité de Farnham, la chambre de commerce de Cowansville et la compagnie du chemin de fer Canadien du Pacifique étaient représentées par leurs avocats.

L'avocat du requérant déclara que les objections soumises au nom de la municipalité ne lui étaient parvenues que le 12 octobre 1937, mais qu'il était prêt à soumettre à la Commission un amendement à tout le projet, et que les détails de cette proposition, avec plans revisés, seraient adressés plus tard à la Commission et à la municipalité. La nouvelle proposition abandonnait le projet d'un passage inférieur au rang Gaudreau, le coût duquel était évalué à \$7,000, le remplaçant par la construction d'un chemin additionnel de raccordement, au coût évalué à \$10,000, lequel chemin raccourcirait la distance que les écoliers doivent parcourir. Le projet, une fois complété, entraînerait la fermeture des traverses des rangs Bricault et Gaudreau, et détournerait 80 à 90 pour cent de la grande circulation des traverses Scott et Ferndon.

L'avocat de la compagnie du chemin de fer Canadien du Pacifique n'offrit aucune objection à la requête telle qu'amendée, pourvu que les frais d'aucune partie des travaux ne soient mis à la charge de la compagnie.

La municipalité s'opposa fortement à la proposition de fermeture des passages à niveau sur les chemins latéraux des rangs Gaudreau et Bricault, vu qu'elle prétendait que ces chemins étaient les seuls à desservir une certaine localité rurale qui en avait besoin tant pour la circulation des véhicules que celle des piétons. On prétendit qu'une dépense de \$7,000 pour un passage inférieur pour les piétons à la traverse Gaudreau était injustifiable; que la neige en hiver et l'eau le printemps le rendrait impraticable. La visibilité à ces deux traverses est sans obstacle aux approches et il n'est pas fait mention que des accidents y soient survenus; vu que le trafic qui passe sur la route provinciale 40 n'a pas nécessairement besoin de passer sur ces deux chemins de rang, il n'est pas justifiable de changer l'état actuel de ces deux traverses.

Après l'audition, accompagnés de représentants des diverses parties intéressées, les membres de la Commission firent un examen des lieux. On a remarqué que le régalage de la nouvelle route entre Scott et Ferndon était alors pratiquement complété; le revêtement, toutefois, n'était pas encore posé. On obtenait une bonne vue de l'emprise du chemin de fer aux passages à niveau des rangs Bricault et Gaudreau.

Le 2 novembre 1937, la municipalité du canton de Farnham, partie ouest, adopta une résolution par laquelle on s'opposa absolument à ce que l'on accordât ladite requête du ministère provincial de la Voirie, telle qu'amendée conformément à la proposition soumise par le ministère à l'audition du 13 octobre 1937, lequel amendement fut adressé à la Commission et à la municipalité le 22 octobre 1937.

Les travaux entrepris par le ministère de la Voirie de Québec entre les traverses Scott et Ferndon constituent une partie de l'amélioration en cours d'exécution sur la route 40. Aucun passage à niveau ne sera fermé sur cette partie de la route 40 mais on allègue que le nouveau projet réduira la circulation de 80 à 90 pour cent aux traverses Scott et Ferndon, mais le trafic n'aura pas nécessaire-

ment besoin de passer sur l'un ou l'autre des chemins municipaux sur lesquels sont situées les traverses de chemin de fer qui d'après le ministère de la Voirie devraient être fermées. Les chemins latéraux des rangs Bricault et Gaudreau sont de troisième classe relevant de la juridiction municipale et sont nécessaires aux besoins des gens de cette localité. Il est allégué que la suppression des passages à niveau sur ces chemins entraverait sérieusement les intérêts agricoles et commerciaux.

L'avocat-conseil de la Commission est d'opinion que,—

“D'après le jugement de la cour suprême du Canada, '40 C.R.C. 110', il doit être accordé à la Commission un pouvoir statutaire précis pour lui permettre de contribuer au coût des travaux de déviation de voies publiques outre le cas où la déviation de route s'effectue à une traverse. En d'autres termes la déviation doit supprimer une traverse.

“Le crédit n° 357 des estimés du ministère des transports pour l'année 1937-38 constitue la disposition statutaire en vertu de laquelle la contribution projetée dans le cas présent serait faite. Il se lit comme suit,—

“Montant devant être appliqué par la Commission des chemins de fer du Canada au coût des travaux de construction actuels pour la protection, la sécurité et la commodité du public en rapport avec les croisements des routes par les chemins de fer, selon que le Gouverneur en conseil peut le déterminer de temps à autre, — \$2,500,000.”

“La seule augmentation des pouvoirs de la Commission en vertu de ce qui précède est à l'effet que le 40 pour cent du coût des travaux jusqu'à la limite de \$100,000 ne s'applique pas aux octrois à même ce crédit.

“Vu que la déviation de route dans le cas présent ne se trouve pas à l'endroit de la ou des traverses que l'on projette de fermer, le jugement de la cour Suprême du Canada, tel que je le comprends, a pour effet d'exclure une contribution au coût actuel des travaux de construction impliqués soit à même la Caisse des passages à niveau, soit à même le crédit parlementaire...”

“Les pouvoirs de la Commission au sujet des voies publiques sont mentionnés aux articles 255, 256 et 257. En vertu de ces articles la Commission peut ordonner que la route soit construite au-dessus, au-dessous, ou le long de la voie ferrée, ou qu'elle peut être temporairement ou permanemment détournée. Il n'existe pas de pouvoir formel pour la fermeture des voies publiques. Le pouvoir d'ouvrir et de fermer les routes appartient de par la Loi provinciale aux municipalités.”

“Je crois que l'on doit conclure, en l'absence d'un pouvoir déterminé, comme il en fut donné pour la construction au-dessus, au-dessous, et le long des voies publiques et pour la déviation de celles-ci, que le pouvoir de fermer les voies publiques n'existe pas.”

Dans mon opinion, il est peu justifiable de demander la fermeture des traverses de chemins de fer sur les chemins des rangs en question comme motif pour obtenir une contribution à même les fonds administrés par la Commission, pour défrayer le coût des travaux entrepris par le ministère provincial de la Voirie entre les traverses Scott et Ferndon.

C'est pourquoi, prenant en considération tout ce qui est impliqué dans cette cause, je renverrais la requête.

OTTAWA, le 28 février 1938.

Le Commissaire en chef adjoint s'est rallié au jugement ci-dessus.

Requête du ministère de la voirie de la province de Québec demandant qu'il soit rendu une ordonnance autorisant la déviation de la route provinciale n° 40 entre Farnham et Cowansville, P.Q., par laquelle deux passages à niveau seront complètement éliminés et deux autres partiellement, et accordant un octroi à même la Caisse des passages à niveau et autres fonds disponibles en vertu de subsides du Parlement du Canada, pour défrayer le coût de telle déviation.

Dossier n° 40233.

* * * * *

GARCEAU, Commissaire en chef suppléant: (Dissident).

La déviation de la route 40 à partir d'un point marqué "A" sur le plan jusqu'à un point marqué "F" élimine de cette route principale deux passages à niveau marqués "B" et "E".

La construction de cette nouvelle route ou déviation permet la fermeture des passages à niveau situés sur les rangs Gaudreau et Bricault, marqués "C" et "D" sur le plan.

Par la construction de cette nouvelle route, les habitants de ces rangs auront une sortie des deux côtés de la voie ferrée, vers le nord par l'ancienne route, vers le sud par la nouvelle route.

Le requérant, dans sa requête amendée, propose de construire un chemin à partir de "X" à "Y", indiqué en vert sur le plan. Ce nouveau chemin donnerait plus de commodité aux enfants qui vont à l'école près de la traverse Ferndon.

La municipalité s'oppose fortement à la suppression des passages aux endroits marqués "C" et "D". Elle ne nie pas que tout le monde aura autant de facilités que jusqu'à présent pour circuler, mais elle prétend que les enfants en allant à l'école auraient à traverser le passage Ferndon, marqué "E", qui, selon la municipalité, est plutôt dangereux, tandis que les deux autres passages ne le sont pas; de plus, qu'en hiver, cette nouvelle situation imposera à la municipalité le fardeau de tenir ouverte une section de route plus longue.

Je ne suis pas très impressionné par les raisons données par la municipalité contre la suppression de ces passages vu que le passage Ferndon ne constitue pas un plus grand danger pour les piétons que les passages des rangs Bricault et Gaudreau. Un passage à niveau constitue toujours un danger potentiel et sa suppression doit être favorisée autant que possible, même comme dans le cas présent, lorsque la visibilité est très bonne et la circulation de très peu d'importance.

Les pouvoirs de la Commission concernant la protection et la sécurité du public sont très étendus, et je crois qu'il est de sa compétence dans les circonstances actuelles d'ordonner la fermeture des deux passages sur l'emprise du chemin de fer, aux rangs Bricault et Gaudreau. La nouvelle route va éliminer au moins 90 pour cent du danger qui existe aux passages marqués "B" et "E" et peut l'éliminer complètement aux passages marqués "C" et "D".

Il peut y avoir un peu d'inconvénients pour quelques-uns des habitants qui demeurent sur les rangs Bricault et Gaudreau, mais le public voyageant sur la nouvelle route 40 sera à l'abri du danger existant aux passages "B" et "E", et même les habitants qui demeurent sur la vieille route n° 40 entre les endroits marqués "A" et "F" seront protégés contre les dangers d'un gros trafic sur la voie publique.

Avec tout le respect pour une opinion différente, j'adopterais le point de vue du juge Rinfret, dans la cause de la compagnie de téléphone Bell vs. le C.N.R., 39 C.R.C. page 186 à page 205:

"The Bell Telephone Co. objects that the Board has no jurisdiction to order the closing of a highway. There is much to be said in favour of

the proposition that the ' power vested in the Board to order that a highway be temporarily or permanently diverted and the wide power to order such measures to be taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction in the opinion of the Board arising or likely to arise in respect of such portion or crossing, if any, or any other crossing directly or indirectly affected, confers authority upon the Board to order that part of a highway be closed or, at all events, authority to require the proper municipal authority to close it ' ”.

La Commission, dans une décision récente dans l'affaire de la traverse de la rue Cummane, à Truro, N.-E., a suivi la décision ci-dessus. La municipalité de Truro s'était opposée fortement à la fermeture de la traverse à niveau de la rue Cummane, mais la Commission a rejeté cette opposition. (46 C.R.C. page 141).

La fermeture des deux passages à niveau des rangs Gaudreau et Bricault ne causerait pas la fermeture d'aucun chemin municipal comme le prétend le jugement majoritaire. Tel que ci-dessus déclaré, la nouvelle route construite à partir de "A" à "F" constitue une déviation qui donne une sortie à ces deux rangs.

La requête amendée abandonne le projet d'un tunnel pour les piétons, dont le coût était évalué à \$7,000, ce montant devrait être déduit de celui de \$61,000, laissant une balance de \$54,000, étant le coût de construction de la route entre les endroits marqués "A" et "F", laquelle, à mon avis, constitue un chemin-détour à l'avantage des rangs Gaudreau et Bricault.

Le chemin projeté entre les points marqués "X" et "Y" doit être considéré comme une amélioration de voirie seulement.

Ces deux passages des rangs Bricault et Gaudreau peuvent certainement être considérés comme "affectés" et ils le sont par la construction de la route allant de "A" à "F", parce que, tel que ci-dessus mentionné, cette route donne aux résidents des deux rangs au sud de la voie ferrée le moyen d'atteindre la route principale sans avoir à traverser la voie ferrée comme c'est le cas à présent.

Je pourrais ajouter que ces deux passages à niveau qui, je considère, devraient être fermés, furent construits pour la seule fin de desservir les résidents auxquels il est référé plus haut.

Le chemin de déviation constitue certainement *une protection à ces passages à niveau*. C'est un de ces ouvrages contemplés par l'article 257 de la Loi des chemins de fer qui dit:

"...que tout autre ouvrage soit exécuté... qui serviront le mieux à faire disparaître ou à diminuer le danger ou l'obstruction qui, à ses yeux, se produit ou vraisemblablement se produira sur cette partie du chemin de fer ou à ce passage, s'il en est, ou à tout autre passage directement ou indirectement concerné".

Tous les inconvénients disparaîtraient par l'installation de tourniquets pour l'usage des piétons, sur les deux rangs; ces tourniquets, s'ils sont requis, devant être payés et entretenus par le requérant.

Je demanderais au gouverneur-en-conseil d'approuver un octroi de 70% à même les fonds appropriés par le Crédit 357, 1937, ne devant pas excéder la somme de \$37,800, s'il y a des fonds disponibles. Sinon je recommanderais un octroi de 40% à même la Caisse des passages à niveau, ne devant pas excéder la somme de \$21,600. J'ordonnerais la fermeture des deux passages à niveau aux rangs Gaudreau et Bricault.

le 7 mars 1938.

ORDER No. 55674

In the matter of the applications of the Corporation of the Town of Cowansville and the Farnham and Cowansville Boards of Trade for the elimination of three level crossings of the Canadian Pacific Railway between Cowansville and Farnham;

And in the matter of the application of the Department of Roads for the Province of Quebec for a contribution from the Railway Grade Crossing Fund, and other funds available, towards the cost of diverting Provincial Highway No. 40 between Farnham and Cowansville, the closing of two level crossings known as "Rang Bricault" and "Rang Gaudreau," and the construction of a pedestrian subway at "Rang Gaudreau," as shown on the plan on file with the Board, under file No. 40233.

THURSDAY, the 10th day of March, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Farnham, Quebec, October 13, 1937, in the presence of counsel for and representatives of the Department of Roads for the Province of Quebec, the township of Farnham West, the Cowansville Board of Trade, and the Canadian Pacific Railway Company, and what was alleged; and upon an examination by the Board of the *locus in quo*,—

It is ordered: That the applications be, and they are hereby, refused.

H. GUTHRIE,
Chief Commissioner.

Application of Canadian National Railways for an Order granting leave to abandon operation of a portion of its La Tuque Subdivision in the Province of Quebec, between Dombourg (mileage 15.9) and St. Marc (mileage 38.2), a distance of 22.3 miles. (File No. 39310.29)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This is an application by the Canadian National Railways for leave to abandon the operation of that portion of the La Tuque Subdivision of their line of railway, in the Province of Quebec, between Dombourg and St. Marc, a distance of 22.3 miles.

The application was heard at Quebec on 12th January, 1937, in the presence of counsel for the applicants and for several of the municipalities concerned, also in the presence of the Honourable Bona Dussault, a member of the Government of the Province of Quebec, who is also a resident of the district affected by the application. At the conclusion of the hearing it was stated that a further conference might be had between the railway authorities and representatives of the district involved to see if some mutual arrangement could be arrived at in regard to the future operation of the railway between the above points. In furtherance of this suggestion, the Board intimated that it would delay pronouncing judgment until it was informed of the result of any conference or negotiations which were to take place. On January 20, 1937, Honourable Mr. Dussault notified the Board that he had had a discussion of the matter with the President of the Canadian National Railways, but the matter was still open for further consideration.

The application has stood for over a year, and the applicants have intimated to the Board that a decision should now be given in regard thereto. On 17th February, 1938, the Board caused a letter to be sent to the Honourable Bona Dussault inquiring whether he desired to make any further submission in regard to the application, or whether he desired any further hearing in the matter, to which letter the Honourable Mr. Dussault replied by letter dated 1st March, 1938, intimating that he had no further representations to make in regard to the application. The Board will, therefore, deal with the application upon the evidence and material now before it.

The line of railway which the applicants desire leave to abandon is the portion of the La Tuque Subdivision between Dombourg and St. Marc, a distance of 22 miles. This line was originally constructed as part of the National Transcontinental Railway and has since become incorporated as part of applicants' railway system. The railway between the above points seems to have been originally constructed as a first class railway with excellent roadbed and grades and equipped with 80-lb. steel rails. But during recent years the business upon this particular portion of the railway has gradually fallen off and the cost of operation of the 22 miles involved in this application has been entirely out of proportion to the revenue received by the railway company. This decrease in traffic may be attributable to some extent to the depression which has existed during recent years, or it may have arisen from the fact that the particular locality is fairly well served with highways upon which motor-trucks carry a great deal of traffic which otherwise would go by rail. It is also to be noted that in this section there appears to be adequate railway facilities. The line in question now runs from Dombourg to St. Marc passing through Vernay, Bois de l'Ail, St. Basile and Auvergne. St. Basile is a municipality having a population of about 2,500, and containing several industries of more or less importance. Vernay, Bois de l'Ail and Auvergne are less important settlements along the railway. Closely parallel to the above line between Dombourg and St. Marc, there is a line of the Canadian Pacific Railway Company which at some points is within a mile and a half of applicants' line, and at the greatest distance is only $5\frac{1}{2}$ miles from applicants' line. Then again, to the south of the Canadian Pacific Railway, applicants operate another line of railway from Dombourg to St. Marc following the north side of the River St. Lawrence, and throughout most of the 22 miles involved the southern line of applicants' railway is not more than 7 or 8 miles distant from the line which applicants now seek to abandon.

Upon the hearing of the application, applicants submitted a statement showing the freight traffic upon the portion of the railway in question. From this statement, Exhibit A, it is shown that in the year 1936 the whole of the freight traffic was confined to St. Basile station. The carload traffic represented 23 cars inwards and 18 cars outwards, being a total of 41 cars. The total freight receipts for the whole 22 miles for the same year were \$5,858. No passenger or express service was operated upon this line during 1936. From this exhibit it would appear that the only place seriously concerned in the application is St. Basile, as the business at other stations between Dombourg and St. Marc has apparently amounted to little or nothing.

Applicants placed before the Board, as Exhibit 2, a statement of the revenue and expenses resulting from the operation of the above 22 miles of railway. From this exhibit it would appear that the total receipts for the year 1931 were \$23,784, and the total cost of operation was \$57,888. The latter figure includes \$28,449 for maintenance of way and structures. For the year 1933, the total receipts were \$8,025, while the total cost of operation was \$26,963, including \$14,558 for maintenance of way and structures. In 1934, the total receipts were \$4,890, and the operating expenses were \$25,935, including \$18,051 for maintenance of way and structures. In 1935, the total receipts were \$5,445, and the operating

expenses were \$19,504, including \$11,545 for maintenance of way and structures. It is stated upon this exhibit that the above figures for maintenance of way are actual for the four years shown, and do not include any charge for supervision. From the above figures it will appear that the operating loss upon this portion of the road

for the year 1931 was	\$34,104
for the year 1933 was	18,938
for the year 1934 was	21,045
for the year 1935 was	14,059

It is to be noted that no figures were submitted for the year 1932.

The chief objections to the application for abandonment come from residents of St. Basile, and there is no doubt that abandonment of this line of railway will cause some inconvenience to residents at that point. The Mayor of St. Basile protested strongly against the abandonment of this line of railway, as did also several leading citizens. The Municipal Council of St. Basile also presented a resolution (Exhibit 8) strongly opposing the application. If abandonment be permitted, shippers at St. Basile will be required to travel a distance of about one and a half miles further to the Canadian Pacific Railway station. I think this will be the greatest inconvenience to be suffered.

Honourable Mr. Dussault represented very strongly to the Board that the abandonment of this piece of railway would not only be an inconvenience to the immediate vicinity, but would ultimately prove a serious loss to the province of Quebec as the line in question would in the future be a very valuable line for shipment to points in northern Quebec. He represented that there was a steadily growing development in that portion of the province, and that increased railway traffic might reasonably be expected within a few years. He pointed out that the road had been built as a national enterprise and had been constructed with grades which accommodate heavy freight shipments, and that it was much better adapted as a railway for such shipments than was the applicants' southern road along the bank of the River St. Lawrence. He further alleged that the southern road on account of heavy grades could never be successfully used for heavy freight traffic, that it was frequently blocked in winter by snow, and at other seasons of the year by landslides and floods. Evidence was submitted by the railway company in regard to conditions existing, both on the northern and southern roads, during the winter seasons. From this evidence it would appear that while trains on the southern road were very frequently blocked by snow and other causes, the northerly road suffered to some extent from the same trouble. Mr. Dussault also urged that a more frequent train service for freight, and the re-establishment of passenger trains which have not been run since 1932, would produce much better revenue returns. He complained that the poor train service upon the railway had much to do with the serious loss which the railway company annually encountered from the operation of this line.

During recent years the physical condition of this portion of the railway has become seriously deteriorated. Considerable expenditure would become necessary to bring the line up to standard. At present there is a speed limit of 25 miles per hour over this road. It is estimated that it would require an expenditure of \$14,000 per year as maintenance to keep the road fit for freight service, with a speed limit of from 20 to 25 miles an hour, while to rehabilitate it for passenger service would require an annual expenditure of about \$30,000.

After considering all that was submitted to the Board, my opinion is that the country between Dombourg and St. Marc will not be seriously inconvenienced or prejudiced, if authority be granted for the abandonment of this portion of the road. Apart from the residents of St. Basile, I doubt if there will be any inconvenience at all. Both Dombourg and St. Marc will continue to be served, as at the present time, by the southern road of applicants' system which passes

through both of these municipalities, and the people of St. Basile will only be required to travel an additional mile and a half to avail themselves of shipping facilities via the Canadian Pacific Railway. In addition to this, there are fairly good roads running from the northern line of railway to the southern line and these roads are being utilized continually for the transport of freight by motor truck. It is complained that on some of these roads there are steep hills and other obstructions which may cause some inconvenience and delay in the handling of heavy loads. Upon considering the whole case I am satisfied that the heavy operating loss suffered by the applicants upon this 22 miles of railway entirely outweighs any loss or inconvenience which will be suffered by the public.

For the above reasons, I feel that the application for the abandonment of the above road should be granted.

March 3rd, 1938.

The Deputy Chief Commissioner concurred.

TRADUCTION

Requête de la compagnie des chemins de fer Nationaux du Canada demandant qu'une ordonnance soit rendue l'autorisant à discontinuer l'exploitation d'une partie de sa subdivision de La Tuque, dans la province de Québec, entre Dombourg (mille 15.9) et St-Marc (mille 38.2), soit un parcours de 22.3 milles.

Dossier n° 39310.29

JUGEMENT

GUTHRIE, *Commissaire en chef*:

Il s'agit ici d'une requête de la compagnie des chemins de fer Nationaux du Canada pour être autorisée à discontinuer l'exploitation de cette partie de sa subdivision de La Tuque, dans la province de Québec, entre Dombourg et St-Marc, soit un parcours de 22.3 milles.

Cette requête fut entendue à Québec le 12 janvier 1937 en présence des avocats de la requérante et de plusieurs municipalités intéressées, et aussi, en présence de l'honorable Bona Dussault, membre du gouvernement provincial de Québec qui est aussi un résident du district affecté par la requête. A la fin de la séance, on a laissé entendre que des pourparlers subséquents pourraient avoir lieu entre les autorités du chemin de fer et les représentants du district affecté pour voir s'il y aurait possibilité d'en arriver à un arrangement concernant l'exploitation future de cette ligne entre les endroits précités. En vue de cette suggestion, la Commission laissa entendre qu'elle différerait sa décision d'ici à ce qu'on l'informât du résultat de l'entrevue ou des pourparlers qui devaient avoir lieu. Le 20 janvier 1937, l'honorable M. Dussault informa la Commission qu'il avait discuté la question avec le président des chemins de fer Nationaux du Canada et que celle-ci était encore sujette à plus ample considération.

La requête est restée en suspens pendant plus d'un an, et la requérante a laissé entendre à la Commission qu'une décision devrait être rendue à son sujet. Le 17 février 1938, la Commission fit adresser une lettre à l'hon. Bona Dussault lui demandant s'il désirait soumettre d'autres observations au sujet de cette requête ou s'il aimait mieux que l'affaire soit entendue de nouveau, à laquelle lettre, M. Dussault répondit le 1er mars 1938, en laissant entendre qu'il n'avait

pas d'autres commentaires à faire à ce sujet. La Commission considérera donc la requête d'après la preuve et les pièces versées au dossier.

La ligne de chemin de fer que la requérante veut abandonner est la partie de sa subdivision de La Tuque située entre Dombourg et St-Marc, soit un parcours de 22 milles. Cette ligne fut à l'origine construite comme partie de la ligne du chemin de fer Transcontinental National et est devenue depuis incorporée au réseau de la requérante. Le chemin de fer entre les endroits précités semble avoir été à l'origine construit comme un chemin de fer de première classe avec couche de ballast et pentes excellentes et avec rails d'acier de 80 livres. Mais au cours des dernières années, le trafic sur cette partie du chemin de fer a graduellement diminué, et les frais d'exploitation de ce parcours de 22 milles, dont il est question dans cette requête, ont tout à fait été hors de proportion avec les recettes perçues par la compagnie. Cette diminution de trafic peut être attribuable jusqu'à un certain point à la dépression qui a existé ces dernières années, ou a pu provenir du fait que la localité est assez bien desservie par les routes sur lesquelles les camions transportent beaucoup de marchandises qui autrement seraient transportées par rail. On notera aussi que dans cette partie du pays, il semble y avoir des facilités suffisantes de transport par voie ferrée. La ligne dont il s'agit va actuellement de Dombourg à St-Marc en passant par Vernay, Bois de l'Ail, St-Basile et Auvergne. St-Basile est une municipalité d'environ 2,500 habitants où se trouvent plusieurs industries plus ou moins importantes. Vernay, Bois de l'Ail et Auvergne sont des endroits de moindre importance situés le long du chemin de fer. Tout près et parallèle à la ligne ci-dessus, entre Dombourg et St-Marc, il y a une ligne du Pacifique-Canadien qui, à certains endroits, est à un mille et demi de celle de la requérante, et la plus grande distance entre ces deux lignes n'est que de 5½ milles. De plus, au sud de la ligne du Pacifique-Canadien, il y en a une autre que la requérante exploite de Dombourg à St-Marc en longeant le côté nord du fleuve Saint-Laurent, et sur presque tout le parcours de 22 milles dont il s'agit, la ligne sud de la requérante n'est à pas plus de 7 ou 8 milles de distance de celle que ladite requérante désire abandonner.

A l'audition de la requête, la requérante soumit un état du trafic des marchandises sur cette partie du chemin de fer. Cet état, exhibit A, indique qu'au cours de l'année 1936, tout ce trafic allait à la station de St-Basile. Le trafic à chargement complet représentait 23 wagons qui entraient et 18 qui partaient, soit un total de 41 wagons. Les recettes totales du trafic des marchandises sur tout le parcours de 22 milles pour la même année, furent de \$5,858, il n'y a pas eu de trains de voyageurs ni de messageries qui ont circulé sur cette ligne durant l'année 1936. D'après cet exhibit, il semblerait que le seul endroit que la requête concerne sérieusement est St-Basile, vu que le trafic aux autres stations situées entre Dombourg et St-Marc représente apparemment peu ou rien.

La requérante produisit à la Commission comme exhibit 2, un état des recettes et dépenses provenant de l'exploitation des 22 milles de chemin de fer ci-dessus mentionnés. D'après cet exhibit, il semblerait que les recettes totales pour l'année 1931 furent de \$23,784 et le coût total d'exploitation, de \$57,888. Les derniers chiffres comprennent \$28,449 pour l'entretien de la voie et des constructions. Les recettes totales pour l'année 1933 furent de \$8,025, tandis que le coût total d'exploitation fut de \$26,963, y compris \$14,558 pour l'entretien de la voie et des constructions. En 1934, les recettes totales furent de \$4,890 et les dépenses d'exploitation de \$25,935 y compris \$18,051 pour l'entretien de la voie et des constructions. En 1935, les recettes totales furent de \$5,445, et les dépenses d'exploitation de \$19,504, y compris \$11,545 pour l'entretien de la voie et des constructions. Il est mentionné sur cet exhibit que les chiffres ci-dessus pour l'entretien de la voie sont les chiffres véritables pour les quatre années indiquées et ne comprennent pas de frais de surveillance. D'après les chiffres ci-dessus, on constatera que la perte résultant de l'exploitation sur cette partie du chemin de fer fut de \$34,104

pour l'année 1931; de \$18,938 pour l'année 1933; de \$21,045 pour l'année 1934, et de \$14,059 pour l'année 1935. On notera qu'on n'a pas soumis de chiffres pour l'année 1932.

Les principales objections à la présente requête sont faites par les résidents de Saint-Basile, et il n'y a pas de doute que l'abandon de cette ligne causera quelques inconvénients aux résidents de cet endroit. Le maire de Saint-Basile a fortement protesté contre l'abandon de cette ligne, de même que plusieurs des principaux citoyens. Le conseil municipal de Saint-Basile a aussi présenté une résolution (exhibit 8) s'opposant fortement à la requête. Si l'on autorise l'abandon de cette ligne, les expéditeurs de Saint-Basile seront obligés de faire un mille et demi de plus pour se rendre à la station du Pacifique-Canadien, ce qui est, je crois, le plus grand inconvénient qu'ils auront à subir.

L'honorable M. Dussault représenta très fortement à la Commission que l'abandon de cette partie de chemin de fer serait non seulement un inconvénient pour le voisinage immédiat, mais constituerait finalement une perte sérieuse pour la province de Québec vu que cette ligne deviendrait à l'avenir d'une très grande valeur pour les expéditions destinées aux endroits dans le nord du Québec. Il représenta qu'il y avait un développement progressif et continu dans cette partie de la province, et que l'on pouvait s'attendre avec raison à une augmentation de trafic ferroviaire d'ici quelques années. Il fit remarquer que la ligne avait été construite comme une entreprise nationale et pourvue de pentes répondant aux besoins des grosses expéditions de marchandises et qu'elle s'adaptait beaucoup mieux à ces expéditions que la ligne sud de la requérante qui longe la rive du fleuve Saint-Laurent. Il alléguait de plus que la ligne sud à cause de ses pentes prononcées ne pourrait jamais être employée avec succès pour le lourd trafic des marchandises, qu'elle était souvent obstruée en hiver par la neige, et durant les autres saisons, par les éboulis et les inondations. Le chemin de fer soumit une preuve au sujet des conditions existantes durant les saisons d'hiver sur les lignes nord et sud. D'après cette preuve, il semblerait que, bien que les trains sur la ligne sud fussent très souvent bloqués par la neige et autres causes, la ligne nord subissait jusqu'à un certain point les mêmes inconvénients. M. Dussault prétendit aussi qu'un service de trains de fret plus fréquent et le rétablissement de trains-voyageurs qui n'avaient pas circulé depuis 1932, rapporteraient beaucoup plus de revenus. Il se plaignit que le mauvais service de trains sur cette ligne avait beaucoup contribué à la perte sérieuse que la compagnie de chemin de fer subissait chaque année par suite de l'exploitation de cette ligne.

Au cours de ces dernières années, cette partie de chemin de fer s'est sérieusement détériorée. Pour remettre cette ligne en bon état, il serait nécessaire de faire des dépenses considérables. Actuellement, la limite de vitesse est de 25 milles à l'heure. On calcule qu'il faudrait dépenser \$14,000 par année pour maintenir cette ligne en usage pour le service de fret, avec une limite de vitesse de 20 à 25 milles à l'heure, tandis que pour la mettre en bonne condition pour le service de transport des voyageurs, il faudrait faire une dépense annuelle de \$30,000.

Après avoir considéré tout ce qui a été soumis à la Commission, je suis d'avis que le district entre Dombourg et Saint-Marc ne sera pas sérieusement affecté ou incommodé si l'on autorise l'abandon de cette partie de chemin de fer. Sauf pour les résidents de Saint-Basile, je doute qu'il n'existera des inconvénients pour d'autres. Dombourg et Saint-Marc continueront d'être desservis comme à présent par la ligne de la requérante qui passe à travers ces deux municipalités, et les gens de Saint-Basile n'auront qu'à parcourir un mille et demi de plus pour utiliser les facilités de transport du chemin de fer Pacifique-Canadien. Outre cela, il y a d'assez bonnes routes entre la ligne nord et la ligne sud, lesquelles sont continuellement utilisées pour le transport des marchandises par camion. On se plaint qu'il y a sur certaines de ces routes, des côtes à pic et autres obstacles qui peuvent être la cause d'inconvénients et de retards dans le transport des lourds

chargements. Après considération de toute l'affaire, je suis convaincu que la perte énorme d'exploitation subie par la requérante sur ce parcours de 22 milles de voie ferrée l'emporte entièrement sur toute perte ou inconvénient que le public pourra subir.

Pour les raisons ci-dessus, je crois que la requête pour l'abandon de cette ligne devrait être accordée.

Le 3 mars 1938.

Le Commissaire en chef suppléant s'est rallié au jugement ci-dessus.

ORDER No. 55671

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," under Section 165A of the Railway Act, for approval of the abandonment of operation of a portion of their La Tuque Subdivision, between Dombourg (mileage 15.9) and St. Marc (mileage 38.2), in the Province of Quebec, a distance of 22.3 miles:

File No. 39310.29

THURSDAY, the 3rd day of March, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Upon hearing the application at the sittings of the Board held at Quebec, January 11th, 1937, in the presence of Counsel for the Applicants, the Municipal Councils of Portneuf County and of St. Basile, and the Corporation of St. Marc des Carrieres, and what was alleged; and upon reading the further written submissions filed—

It is ordered: That the abandonment of operation of a portion of the applicants' La Tuque Subdivision between Dombourg and St. Marc, in the Province of Quebec, a distance of 22.3 miles, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

Application of the Algoma Central and Hudson Bay Railway Company for an Order as to seniority at crossing of Canadian National Railways at Oba, Ontario, and approving plan showing additional protection at said crossing, and fixing responsibility for construction and maintenance of said work.

File No. 17151.1

Heard at Ottawa, Ontario, March 4th, 1938

Oral Judgment delivered by the Chief Commissioner:

The CHIEF COMMISSIONER: Well, gentlemen, I think we are as fully seized of the facts and circumstances surrounding this application as we can be and that there is no need of delaying judgment in this matter.

The application of the Algoma Central and Hudson Bay Railway Company is—

Firstly, that the applicant is the senior road at the crossing.

Secondly, that the railway line of the applicant at this crossing was constructed before the Canadian National Railway, then the Canadian Northern Railway Company.

Thirdly, that the question of seniority has never been before considered by the Board.

Fourthly, that the applicant desires an Order of the Board to determine the question.

Fifthly, that the hearing be held at the city of Ottawa.

The applications of railways to cross other railways have always been treated by the Board on the general principle that the date of the construction of the crossing and not the date of the approval of the location plans is a proper date to fix in determining the question of seniority.

In that relation, however, the general principle is something that is left to the discretion of the Board in regard to such matters under the provisions of the Railway Act, and it says, which would justify the Board in the exercise of its discretion to depart from the general principle in regard to the question of seniority.

The question to be considered here now in the first part of the present application is whether the circumstances and conditions which have existed and seem to have been recognized by the railways since the first Order was made by the Board in 1911 are such as to call for the exercise of discretionary powers by the Board notwithstanding the general principle above stated, and from the material before the Board it is established that location plans of the Canadian Northern Ontario Railway were filed on the 27th day of May, 1911, and were approved before the location plans were submitted by the Algoma Central Railway Company, which was on the 20th day of September, 1911.

There is another fact that I think is clear, and that is that construction of the Algoma Central Railway at mileage 50.84 was completed in 1912, and that the whole line from Sault Ste. Marie to Hearst was put into operation in September, 1914, pursuant to the Order of this Board numbered 22603.

It is equally clear that the Canadian Northern Ontario Railway did not operate over this crossing until October, 1915, when permission was granted to operate under the Board's Order numbered 24319, but at this distance of time it is difficult to understand just what facts influenced the Board when the first Order of 1911 was made.

I am inclined to think that this Order was a direct result of certain negotiations that took place between the engineers of the two railways and the engineer of the Board.

The application was made by the Algoma Central Railway and the Order itself was made with the consent of the Canadian Northern Ontario Railway.

Now, under this Order the applicant was authorized to construct a diamond track at the said crossing. The crossing was to be protected by interlocking plant, derails, etc. and the trains of the Canadian Northern Railway would be given priority at the crossing in the movement of trains of the same or superior class. A man was to be appointed by the Canadian Northern Ontario to operate the interlocking plant, the whole cost of providing, maintaining and operating the interlocking plant was to be paid by the applicants.

It is true at this date actual construction of the crossing had not taken place by either of the railways. The grading seems to have been commenced, partially done, during the summer of 1912.

The evidence of Mr. McCormick, I would take it, establishes that the Canadian Northern Railway had done some grading at or about the station now called Oba, but the Canadian Northern Ontario Railway were in the position that it could rely on the Order of the Board made in 1911.

As to that crossing there would be great difficulty, as explained by Mr. McCormick, to bring in railway supplies for construction work unless the Algoma Central Railway was actually constructed and in a position to carry freight.

That seems to me to be an excellent reason for delay in the construction on the part of the Canadian Northern Railway and they relied on the terms of the Order, that there was no need to hurry the matter or to go to unusual expense in bringing in railway supplies.

I would be inclined to say, at the time the original Order in 1911 was made, that there was some real ground for the claim of seniority on the part of the Canadian Northern Railway. Their plans were first filed and first approved; neither railway had undertaken any construction at all up to that point, so you could not fix it upon any standard of how much had been constructed, because none was constructed, and I think the Board was quite right in assuming that the Canadian Northern Railway were the first on the ground and should be treated as in the senior position.

At all events, the Order was made and for 27 years it has been accepted by both railway companies, and then we come to the year 1916 when a Receiver was appointed by the Exchequer Court of Canada, and a new application was made by the Receiver to the Board setting out the facts and the difficulties they had to contend with and asking for certain modifications in the Order of 1911, and it is specifically asserted in the formal application filed by the Receiver with the Board, that the seniority had been settled and that the Canadian Northern Railway was senior.

The subsequent Orders carried out that idea, and I think in nearly all the Orders passed by the Board there has been a clause that these Orders were filed with and signed by both roads as to the future maintenance and cost.

Take the Order number 48721, the time of that was extended to the 31st day of July, 1933.

It provides that the Algoma Central Railway assume the expenses of all repairs necessary to the existing plant and maintaining same in proper operating condition, and then an Order number 50138 also provides that the Algoma Central Railway pay all repairs and maintenance. Order number 51909 passed in May, 1935—this Order was extended to the 31st of July, 1936—provided the same clause as to maintenance and repairs. There is no clause about maintenance in the last Order passed in 1936.

Those Orders show it has been in contemplation by both railways ever since the Order of 1911 was made that cost of construction, maintenance and repairs at the crossing at Oba was wholly placed upon the Algoma Central Railway. That was long the course of dealing between the parties.

I think it is hard to overcome the law in regard to acquiescence. The old Order of 1911 has been acquiesced in for a period of 27 years without protest. There are letters filed to-day written by the chief engineer of the Algoma Central stating that while it may be that the terms of the original Order were somewhat onerous, still his company was not objecting.

Now, the first objection to the terms of the Order came with the present application, and in my judgment the Board could not consider an application at this stage of time to set aside an Order made in 1911, which for 27 years has been acted upon and acquiesced in by both railways.

I do not want to make any finding on the question of estoppel because I do not think it is necessary to do so, and the view I and my colleagues have of the original Order and the circumstances under which it was made is that the present Order should be maintained.

The second part of the present application, is for additional crossing protection indicated on the attached plan as has been approved by the signal engineer of the Canadian National Railway and the signal engineer of the

Board, and I assume as it is submitted by the Algoma Central Railway Company that it has been approved likewise; also that the three blueprints of the aforesaid plan attached thereto should be approved.

The applicants desire this improvement be made at the same time as the other portion of the application.

I gather that the engineer of the Board and the engineers of both railway companies are of opinion that the plan now offered and the blueprints now submitted constitute the very best protection and the cheapest protection that can be submitted and maintained at that crossing.

I think, therefore, this plan and these blueprints should be approved and the Order made accordingly dismissing the first part of the application in regard to the old Order of 1911 and approving the plans now submitted for the interlocking device which is to be maintained at Oba.

Mr. SAUNDERSON: Can you see fit to make any reference in the judgment as to the consideration of the question of apportionment of cost of the installation as approved to-day?

The CHIEF COMMISSIONER: I hold that the Order should be maintained.

Mr. SAUNDERSON: If that is the Board's decision, can there be any reservation as regards any future improvements?

The CHIEF COMMISSIONER: As matters arise in the future, circumstances alter, there is no objection to you making a subsequent application in respect of it, but I would not like to bind the Board in any way as to what we can do.

Mr. SAUNDERSON: I think this should be noted in the judgment.

The CHIEF COMMISSIONER: That will be in the notes I have dictated, and if circumstances change or conditions alter, you can apply to the Board.

ORDER No. 55694

In the matter of the application of the Algoma Central & Hudson Bay Railway Company, hereinafter called the "Applicant Company," for an Order declaring it to be senior to the Canadian National Railways at the crossing of the said two railways at Oba, Ontario; and for approval of plan No. B-15-11, dated January 24, 1938, showing additional signal protection at the crossing; and fixing the liability for the cost of the said work and the maintenance of the said crossing:

File No. 17151.1

TUESDAY, the 15th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa, March 4th, 1938, in the presence of Counsel for the Applicant Company and the Canadian National Railways, and what was alleged—

It is ordered:

1. That the application for an Order declaring the Applicant Company senior at the said crossing be, and it is hereby, refused.

2. That additional signal protection be installed at the crossing by the Applicant Company's railway of the railway of the Canadian National Railways at Oba, Ontario, detail plans of which shall be submitted for the approval of an Engineer of the Board; and that the cost of installation and maintenance thereof be paid by the Applicant Company.

H. GUTHRIE,
Chief Commissioner.

Application of the City of Montreal, Que., in the matter of the distribution of the cost of the subway constructed under the tracks of the Canadian Pacific Railway Company on Park Avenue between Atlantic and Beaumont Avenues, in accordance with Order of the Board No. 44945, dated June 10, 1930.

File No. 12912.3

JUDGMENT

GARCEAU, DEPUTY CHIEF COMMISSIONER:

This is an application of the city of Montreal for a contribution from the Railway Grade Crossing Fund and for the apportionment between the city of Montreal and the Montreal Tramways Company of the cost of the subway constructed under the tracks of the Canadian Pacific Railway Company on Park avenue, between Atlantic and Beaumont avenues.

This subway was constructed under the authority of Order No. 44945, which order reserved the distribution of cost and the contribution from the Railway Grade Crossing Fund to be decided at a later date.

The works were completed and approved, as certified by Order No. 48927, dated August 3, 1932.

The crossing in question, although existing previously, was declared a public crossing by order of the Board in 1914; gates were then installed and the cost of construction and maintenance was placed on the city of Montreal.

In 1919, the Montreal Tramways applied for permission to lay a double track across the Canadian Pacific Railway Company's right of way; the application was dismissed.

In December of the same year, the Montreal Tramways applied for permission to lay a single track across the Canadian Pacific Railway Company's tracks and to operate one car in the morning and one at night or to take one car across in the morning and return at night, in order to give service north of the crossing. Order No. 29515 was then issued. It reads in part as follows:—

"1. That the applicant company be and it is hereby granted leave to cross with a single track the tracks of the Canadian Pacific Railway Company on Park avenue between Atlantic avenue and Beaumont street, in the city of Montreal, province of Quebec, as shown on the said plan on file with the Board under file No. 12912.3.

"2. That the applicant company at its own expense, under the supervision of an engineer of the Canadian Pacific Railway Company, insert a diamond in the track of the said Canadian Pacific Railway Company at the said crossing."

The order also provided that the said crossing be protected by a half interlocking plant, to be used by the company twice a day, once in the morn-

ing and once in the evening, except in case of emergency when a further movement might be necessary, the derails to be placed on the Canadian Pacific Railway.

Then paragraph 5 of the order provides:—

“That the cost of installing the said half interlocking plant be borne and paid by the applicant company, the cost of maintenance to be divided between the applicant company and the city of Montreal, proportionately to the number of levers used for the protection of the street traffic and those used for the applicant company respectively, and the cost of operation to be borne and paid by the city of Montreal.”

There were five levers, four used by the Tramways Company and one by the city, to operate gates and diamonds, the city consenting to the construction of the safety appliance mentioned in the order and to pay one-fifth of the maintenance of the interlocking plant, the gates being operated at the expense of the city as heretofore.

In 1925, the Montreal Tramways made another application to lay two tracks over the crossing and to give a seven-minute service. The application was dismissed.

On the 10th of June, 1930, as aforesaid, the city of Montreal applied for permission to build a subway, which application was granted by Order No. 44945 and the subway was constructed at a cost of \$524,603.24 to the city of Montreal.

The Board is requested by the city of Montreal

- (a) to grant a contribution from the Railway Grade Crossing Fund to the extent of \$100,000;
- (b) to impose upon the Montreal Tramways Company a share or percentage of the cost of constructing the subway.

The Montreal Tramways Company, denying any responsibility towards the construction of the subway, has filed a claim against the city of Montreal for \$94,741, contending that the city of Montreal was obliged to refund it that amount because it was spent owing to the construction of the subway and that this subway was “a municipal enterprise built mainly for the purpose of street traffic and not of tramway traffic.”

According to subsection 2 of section 262 of the Railway Act, as amended by 18-19 George V, chapter 43, the cost of construction of the subway being \$619,344.24, the Board can grant a contribution from the Railway Grade Crossing Fund of 40 per cent of its cost, not to exceed \$100,000, and I would recommend the payment of such a sum to the city of Montreal.

The various applications of the Montreal Tramways mentioned previously and the evidence on file establish that the construction of this subway was most important and useful to the Tramways; this they admit, but they contend that the contract or covenant with the city of Montreal, directed by the Legislature of Quebec, relieves them of any obligation to contribute to this construction.

“In this contract,” says Mr. A. Vallee, counsel for the Montreal Tramways Company, on page 6 of his submission of August 25, 1936, “the obligations of the Tramways to the city of Montreal are strictly defined and there is no provision which would imply that it was ever the intention of the contracting parties that the Tramways Company should contribute to the cost of building subways for street traffic. On the contrary, the contract contemplates

that the city will at all times furnish the site on which the company will lay its tracks, namely, the streets of the city, and the company is obliged to pay the city for the privilege of using its streets an annual rental of \$500,000."

It is true that there is no provision in the contract which would imply that it was ever the intention of the contracting parties that the Tramways Company should contribute to the cost of building a subway, but it is equally true that there is no provision which would oblige the city of Montreal to supply or to pay for a crossing over or under the railway tracks for the Tramways.

This construction of the covenant was acknowledged as proper by the Montreal Tramways Company when it asked the Board for permission to lay rails and operate cars over the Canadian Pacific Railway tracks, assenting to pay for the construction of diamonds, derails and safety appliances, and their maintenance.

This subway was constructed under the authority of the Board for the protection and safety of the public. The construction benefited both the city of Montreal and the Montreal Tramways Company.

The numerous applications of the Montreal Tramways Company for permission to lay tracks and operate cars across the Canadian Pacific Railway Company's rails and the number of cars that now operate daily through the subway amply show the extent of the interest of the Tramways Company in the construction of the subway. Over three hundred cars run daily through this subway carrying more than five thousand passengers, in comparison to the two empty cars that previously crossed at that point.

The Montreal Tramways Company was and is clearly "interested" in the works authorized or ordered by the Board in connection with which works sections 39, 257 and 259 of the Railway Act give it express power to say by whom and in what proportion the cost of providing, constructing, reconstructing, operating, using or maintaining such works shall be paid. The contract between the city and the company, relied upon by the latter as relieving it from any obligation to contribute towards the cost of the subway in question, does not in terms do so. Neither, in my view, can it be implied that its effect is to do so. Even if it did, while that fact would be an element to be considered by the Board in arriving at its conclusion, it in no way divests the Board of its discretionary powers under the Act.

By the voluntary removal and relocation of its tracks at an expenditure of \$94,741 (Ex.10)—there was no order of the Board in this connection—the Tramway Company itself recognized its "interest" in the works. These expenses should be included as part of the subway construction work (39 C.R.C. 186, at p. 198), the cost of which should be credited the Tramway Company and deducted from the amount of any apportionment made against that company.

While the construction of the subway is a municipal improvement, yet it is nevertheless of vital importance for tramway operations in that part of the city.

The public had the full use of the level crossing existing previously over the C.P.R. tracks, 24 hours a day, with the only inconvenience that the traffic would be blocked now and then by the passage of trains, but the Tramways could run only one empty car, morning and night, over those same tracks.

The Montreal Tramways Company and the public must be considered as co-users of this subway and obliged as such to pay for its construction, each in proportion to the advantages it derives.

The city spent \$524,603.24 for its construction; the Tramways Company, \$94,741; making a total cost of \$619,344.24.

A contribution from the Railway Grade Crossing Fund of \$100,000 would leave \$519,644.24 to be charged to the users.

I would consider 25 per cent of this amount to be a fair and equitable share to be borne by the Montreal Tramways for the construction of this subway.

I would direct a contribution of \$100,000 from the Railway Grade Crossing Fund; the payment by the Montreal Tramways Company to the city of Montreal of the sum of \$35,095.06, being the balance still due on the assessed quota after deduction made of the amount already paid by the Tramways Company, namely, \$94,741, with interest at the rate of 3½ per cent from the date of the judgment; the maintenance of the understructure to be borne by the city of Montreal and the surface of the subway by the city of Montreal and the Tramways Company, according to the terms of the agreement or covenant above mentioned.

Concerning the account (Exhibit 12): as the works mentioned are only contemplated, the amount mentioned therein cannot be considered as part of the actual cost of the construction of the subway, and this claim is refused.

March 10, 1938.

The Chief Commissioner concurred.

TRADUCTION

Requête de la cité de Montréal, P.Q., au sujet de la répartition du coût de construction du tunnel sous les voies du Pacifique-Canadien sur l'avenue du Parc entre les avenues Atlantic et Beaumont, conformément à l'ordonnance de la Commission N° 44945, en date du 10 juin 1930.

Dossier N° 12912.3

JUGEMENT

GARCEAU, Commissaire en chef suppléant: —

Il s'agit ici d'une requête de la Cité de Montréal pour obtenir une contribution à même la Caisse des passages à niveau et pour faire répartir entre la cité de Montréal et la compagnie des Tramways de Montréal le coût de construction du tunnel sous les voies du Pacifique-Canadien sur l'avenue du Parc, entre les avenues Atlantic et Beaumont.

Ce tunnel fut construit en vertu de l'ordonnance N° 44945 qui réservait la question de la répartition du coût de construction et celle de la contribution à même la Caisse des passages à niveau pour être déterminées à une date ultérieure.

Les travaux furent complétés et approuvés comme en fait foi l'ordonnance N° 48927 en date du 3 août 1932.

Le passage dont il s'agit, bien qu'en existence auparavant, fut déclaré en 1914 un passage public par une ordonnance de la Commission; des barrières furent alors installées et le coût de construction et d'entretien fut mis à la charge de la cité de Montréal.

En 1919, la compagnie des Tramways de Montréal demanda la permission de poser une voie double à travers les voies du Pacifique-Canadien; la requête fut renvoyée.

En décembre de la même année, la même compagnie demanda la permission de poser une seule voie à travers les voies du Pacifique-Canadien et d'y faire circuler un tramway le matin et un le soir, ou d'en faire traverser un le matin pour le faire revenir le soir afin de donner du service au nord du passage. L'ordonnance N° 29815 fut alors rendue; elle se lit en partie comme suit: —

" 1. That the applicant company be and it is hereby granted leave to cross with a single track the tracks of the Canadian Pacific Railway Company on Park Avenue between Atlantic Avenue and Beaumont Street in the City of Montreal, Province of Quebec, as shown on the said plan on file with the Board under file No. 12912.3.

2. That the applicant company at its own expense, under the supervision of an engineer of the Canadian Pacific Railway Company insert a diamond in the track of the said Canadian Pacific Railway Company at the said crossing."

L'ordonnance pourvoyait aussi à ce que ledit passage fût protégé au moyen d'une installation de semi-enclanchement dont la compagnie devait se servir deux fois par jour, le matin et le soir, sauf en cas d'urgence alors qu'une manœuvre additionnelle pourrait être nécessaire, le Pacifique-Canadien devant se charger des opérations de déclanchement.

Ensuite, le paragraphe 5 de l'ordonnance prévoit ce qui suit: —

" That the cost of installing the said half interlocking plant be borne and paid by the Applicant Company, the cost of maintenance to be divided between the applicant company and the City of Montreal, proportionately to the number of levers used for the protection of the street traffic and those used for the applicant company respectively, and the cost of operation to be borne and paid by the City of Montreal."

Il y avait cinq leviers dont quatre étaient employés par la compagnie des Tramways et un par la ville pour mettre en opération les barrières et les voies de croisement, la ville consentant à installer l'appareil de sûreté mentionné dans l'ordonnance et à payer un cinquième des frais d'entretien de l'appareil d'enclanchement, l'opération des barrières devant être aux frais de la ville comme auparavant.

En 1925, la compagnie des Tramways demanda encore la permission de poser deux voies à travers le passage en question pour donner un service de sept minutes. La requête fut renvoyée.

Le 10 juin 1930, la cité de Montréal, tel que susdit, demanda la permission de construire un tunnel, ce qui fut accordé par l'ordonnance N° 44945, et ledit tunnel fut construit au coût de \$524,603.24 encouru par la cité de Montréal.

La cité de Montréal demande à la Commission (a) d'accorder une contribution à même la Caisse des passages à niveau jusqu'à concurrence de \$100,000; (b) de mettre à la charge de la compagnie des Tramways de Montréal une partie ou un pourcentage du coût de construction du tunnel.

La compagnie des Tramways, niant toute responsabilité envers la construction du tunnel, produit une réclamation contre la cité de Montréal pour la somme de \$94,741, prétendant que la ville était obligée de lui rembourser ce montant vu qu'il avait été dépensé à cause de la construction du tunnel et que ce dernier était " une entreprise municipale pour les fins principalement du trafic de rue et non de celui des tramways."

En vertu du paragraphe 2 de l'article 262 de la Loi des chemins de fer, tel qu'amendé par le Statut 18-19 Geo. V, chap. 43, le coût de construction du tunnel étant de \$619,344.24, la Commission peut accorder à même la Caisse des passages

à niveau une contribution de 40 p. 100 du coût ne devant pas excéder \$100,000, et je recommanderais le paiement d'une telle somme à la cité de Montréal.

Les diverses requêtes de la compagnie des Tramways que j'ai déjà mentionnées ainsi que la preuve au dossier établissent que la construction de ce tunnel était des plus importantes et des plus utiles à la compagnie des Tramways; la compagnie admet cela, mais elle prétend que le contrat ou l'arrangement conclu avec la cité de Montréal, décrété par la Législature de Québec, la libère de toute obligation de contribuer au coût de cette construction.

"In this contract", dit M. A. Vallée, avocat de la compagnie des Tramways de Montréal, à la page 6 de sa lettre du 25 août 1936, "the obligations of the Tramways to the City of Montreal are strictly defined and there is no provision which would imply that it was ever the intention of the contracting parties that the Tramways Company should contribute to the cost of building subways for street traffic. On the contrary, the contract contemplates that the City will at all times furnish the site on which the Company will lay its tracks, namely, the streets of the City, and the Company is obliged to pay the City for the privilege of using its streets an annual rental of \$500,000."

Il est vrai qu'il n'y a pas de disposition dans le contrat qui puisse impliquer que ce fut jamais l'intention des parties contractantes que la compagnie des Tramways devrait contribuer au coût de construction d'un tunnel, mais il est également vrai qu'il n'y a pas de disposition qui obligerait la cité de Montréal de pourvoir à ou de payer pour un croisement au-dessus ou en-dessous des voies ferrées pour l'usage des tramways.

Cette interprétation du contrat fut reconnue comme juste par la compagnie des Tramways de Montréal lorsque celle-ci demanda à la Commission la permission de poser ses rails et de faire circuler ses voitures à travers les voies du Pacifique-Canadien, consentant à payer le coût d'installation des voies de croisement, d'enclenchement, et des appareils de sûreté, ainsi que les frais de leur entretien.

Ce tunnel fut construit avec l'autorisation de la Commission pour la protection et la sécurité du public. Sa construction fut à l'avantage de la cité de Montréal et de la compagnie des Tramways de Montréal.

Les nombreuses requêtes adressées par la compagnie des Tramways pour obtenir la permission de poser ses rails et faire circuler ses voitures à travers les voies du Pacifique-Canadien, et le nombre de tramways qui circulent maintenant tous les jours dans le tunnel, démontrent amplement l'importance de l'intérêt de la compagnie des Tramways dans la construction du dit tunnel. Plus de trois cents tramways y circulent tous les jours transportant au delà de cinq mille voyageurs en comparaison des deux tramways vides qui autrefois passaient à cet endroit.

La compagnie des Tramways de Montréal fut et est évidemment intéressée dans les travaux autorisés ou ordonnés par la Commission au sujet desquels les articles 39, 257 et 259 de la Loi des chemins de fer lui donnent le pouvoir explicite de déterminer par qui et dans quelle proportion le coût de tels travaux doit être réparti lors de leur construction, reconstruction, exploitation, usage ou entretien. Le contrat passé entre la cité et la compagnie des Tramways sur lequel s'appuie cette dernière pour prétendre qu'elle est libérée de toute obligation de contribuer au coût de construction du tunnel en question ne le dit pas. Même à mon avis, on ne peut l'interpréter en ce sens. Toutefois, s'il en était ainsi, bien que ce contrat doit être étudié par la Commission pour en arriver à une décision, il n'enlèverait d'aucune façon à celle-ci ses pouvoirs discrétionnaires en vertu de la loi.

Par l'enlèvement volontaire de ses rails au coût de \$94,741 (voir Exhibit 10) pour ces travaux (il n'y a pas eu d'ordonnance de la Commission à ce sujet), la

compagnie des Tramways a reconnu elle-même son "intérêt" dans ces travaux. Le coût d'enlèvement de ces rails devrait être inclus comme faisant partie des travaux du tunnel (voir 39 C.R.C. à la p. 196), et devrait être crédité à la compagnie des Tramways et déduit du montant de toute répartition faite contre la compagnie.

Bien que la construction du tunnel soit une amélioration municipale, elle n'en est pas moins d'une importance vitale pour la circulation des tramways dans cette partie de la ville.

Le public avait pleinement usage du passage à niveau qui existait autrefois sur les voies du C.P.R., 24 heures par jour, avec le seul inconvénient que la circulation était arrêtée de temps à autre par le passage de trains, mais la compagnie des Tramways ne pouvait faire circuler qu'un tramway vide matin et soir à travers ces mêmes voies.

La compagnie des Tramways de Montréal et le public doivent être considérés comme faisant tous les deux usage de ce viaduc et obligés comme tels de payer pour sa construction, chacun en proportion des avantages qu'il en retire.

La cité a dépensé \$524,603.24 pour cette construction, et la compagnie des Tramways \$94,741, soit la somme totale de \$619,344.24.

Une contribution de \$100,000 à même la Caisse des passages à niveau laisserait une balance de \$519,644.24 à la charge des usagers.

Je considérerais 25% de ce montant comme une part juste et équitable à être payée par la compagnie des Tramways pour la construction de ce tunnel.

J'ordonnerais une contribution de \$100,000 à même la Caisse des passages à niveau; le paiement par la compagnie des Tramways à la cité de Montréal de la somme de \$35,095.06, étant la balance encore due sur la quote-part fixée après déduction faite du montant déjà payé par la compagnie des Tramways, savoir: \$94,741, avec intérêt au taux de $3\frac{1}{2}\%$ à compter de la date du présent jugement; l'entretien de la substructure devant être aux frais de la cité de Montréal, et celui de la surface de la chaussée aux frais de la cité de Montréal et de la compagnie des Tramways, suivant les termes du contrat ou arrangement ci-dessus mentionné.

Quant au compte (voir Exhibit 12): vu que les travaux mentionnés ne sont que des ouvrages projetés, le montant qui y est mentionné ne saurait être considéré comme partie du coût actuel de construction du tunnel, et cette réclamation est rejetée.

Le 10 mars 1938.

Le Commissaire en chef s'est rallié au jugement ci-dessus.

ORDER No. 55692

In the matter of the subway authorized to be constructed under the Canadian Pacific Railway at Park Avenue where it crosses the said railway between Atlantic and Beaumont Avenues, in the City of Montreal, Province of Quebec, under the Order of the Board No. 44845, dated June 10, 1930, as amended by Order No. 45085, dated July 19, 1930; the question of distribution of the cost thereof being reserved for further consideration.

File No. 12912.3

TUESDAY, the 15th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Upon hearing the matter of the distribution of cost at the sittings of the Board held at Ottawa, September 26, 1935, in the presence of counsel for the city of Montreal and the Montreal Tramways Company, and what was alleged; and upon reading the further written submissions filed,—

It is ordered:

1. That forty per cent of the cost of constructing the said subway, not exceeding, however, the sum of \$100,000, be paid out of the Railway Grade Crossing Fund; that the sum of \$35,095.06, together with interest at the rate of three and one-half per cent per annum from the date of this order, be paid to the Corporation of the City of Montreal by the Montreal Tramways Company; and that the remainder of such cost be borne and paid by the city of Montreal.

2. That the city of Montreal and the Montreal Tramways Company maintain the superstructure of the said subway in accordance with the terms of the contract entered into between the said parties dated January 28, 1918 (ratified by Act of the Quebec Legislature, 8 Geo. V, Chapter 84, Section 75); and that the substructure of such subway be maintained by the city of Montreal.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55661

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 7th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 26 to Tariff C.R.C. No. E-1745.

Supplement 29 to Tariff C.R.C. No. E-2444.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55683

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 15th day of March, A.D., 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 42 to Tariff C.R.C. No. E-1238.

Supplement 43 to Tariff C.R.C. No. E-1906.

Supplement 18 to Tariff C.R.C. No. E-2448.

Supplement 11 to Tariff C.R.C. No. E-2474.

H. GUTHRIE,

Chief Commissioner.

GENERAL ORDER No. 569

In the matter of the applications of the United States and Canadian carriers regarding freight tariffs filed with the Board covering traffic between points in Canada and points in the United States; between points in the United States through Canada; and import and export traffic between Canadian and United States ports and stations in Canada and the United States.

File No. 39422

TUESDAY, the 15th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

WHEREAS the Interstate Commerce Commission, by its order dated Washington, D.C., March 8, 1938, has granted carriers operating in the United States of America certain increases in rates and charges, including international rates, so far as they are subject to the jurisdiction of the said Commission, as set out in a report of the said Commission made part of its order, and, by Special Permission No. 167170, has granted the carriers authority to publish the said rates to become effective on less than statutory notice;

AND WHEREAS the United States and Canadian carriers have made application to increase international freight rates and charges between points in Canada and points in the United States, also import and export rates between Canadian and United States ports and stations in Canada and the United States, to the extent set forth in the report of the Interstate Commerce Commission, as modified by the carriers' applications;

AND WHEREAS the applicants have also requested authority to make the said rates effective on five days' notice after the filing thereof with the Board, but not earlier than March 28, 1938, in respect of the rates referred to in the preceding paragraph hereof, as well as in respect of the rates applying on traffic carried between points in the United States through Canada;

AND WHEREAS it is deemed by the Board to be expedient in the public interest that the continuity of joint through rates from points in the United States to points in Canada, and vice versa, should be preserved, as well as to maintain port relationships on import and export traffic—

THEREFORE, in pursuance of the powers conferred upon it by section 325 of the Railway Act, and of all other powers possessed by the Board in that behalf,—

It is ordered:

1. That the proportions of through rates and charges between the United States and Canada, in both directions, in effect on the date of this order, accruing within Canada, may be increased to the extent that the through rates and charges shall conform to the increases authorized by the said order of the Interstate Commerce Commission, as modified by the carriers' applications.

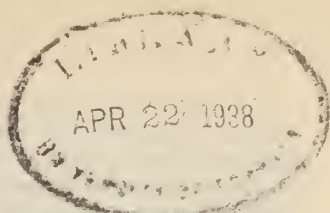
2. That the rates contained in freight tariffs applicable on import and export traffic moving through Canadian and United States ports to and from stations in Canada and the United States, where such import and export rates are constructed in relationship to those applicable within the United States, may likewise be increased to the extent authorized by the said order of the Interstate Commerce Commission.

3. That the rates and charges increased under the provisions of sections 1 and 2 hereof, as well as the rates applying on traffic carried between points in the United States through Canada, may be published and filed to become effective five days after the filing thereof with the Board, but not earlier than March 28, 1938.

4. With respect to tariff schedules filed giving effect to changes in rates herein authorized, it will be unnecessary to observe the provisions of the Board's Circular No. 223 as to volume of supplementary matter, form of tariffs and supplements, etc.

5. The resulting rates authorized herein, in all respects, shall be subject to complaint and investigation and determination as to the lawfulness of schedules, rates or charges, as provided by the Railway Act.

H. GUTHRIE,
Chief Commissioner.



Transport

The Board of Railway Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 2

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Application of the Department of Roads, Province of Quebec, for consideration by the Board of the question of the installation of a bell and wig-wag as protection of the crossing of the Canadian Pacific Railway, at mileage 6.0 Newport Subdivision, Township of Dunham, County of Missisquoi, near Cowansville, in lieu of the protection authorized by Order of the Board No. 55115, dated November 1st, 1937; and that the money committed by Order No. 55115 be transferred to a work providing for an undercrossing at Mileage 1.5 Ste. Agathe Subdivision, Canadian Pacific Railway (Ste. Therese de Blainville) Quebec.

(Files 27156.52 and 40436)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This is an application by the Department of Roads of the Province of Quebec for reconsideration of an Order of the Board, No. 55115, dated 1st November, 1937, whereby the applicant was authorized to construct a subway under the Canadian Pacific Railway, at mileage 6.0 Newport Subdivision, near Cowansville, in the Township of Dunham, County of Missisquoi and Province of Quebec. By the terms of the said Order, it was provided that 70 per cent of the cost of the said subway, not exceeding the sum of \$58,224, be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 357, and that the remainder of the cost be borne and paid by the applicant. It was further provided by the said Order that the Canadian Pacific Railway Company should maintain the superstructure of the said subway, and that the applicant should pay all other costs of maintenance.

By the present application the applicant requests that the above Order of the Board be amended by striking out therefrom the provision for the construction of the above mentioned subway at the railway crossing at mileage 6.0 Newport Subdivision and by providing, in lieu thereof, for the erection of bells and wig-wags at this crossing. Notice of the present application was duly given to the railway company and to the Municipality of the Township of Dunham, in which municipality the crossing of the Newport Subdivision is located.

Upon the hearing of this application at Ottawa, on 24th February, 1938, counsel appeared for the applicant and for the railway company, but no one appeared on behalf of the Township of Dunham. Counsel for the applicant produced a letter from the Secretary-Treasurer of the Township of Dunham, filed as Exhibit 1, stating that at a regular meeting of the municipal council of the said municipality, held on 6th February, 1938, the following resolution was passed:—

“Moved by Councillor H. Teel, Seconded by Councillor W. R. Beach, and resolved that the Township of Dunham is in favour to have the installation of a wig-wag bell at Newport No. 6, in the Township of Dunham, but is also in favour of the construction of a tunnel if it were possible.”

It was alleged on the part of the applicant that the applicant had given further consideration to the problem of railway crossing protection in the Province of Quebec since the former Order of the Board was made herein, and had concluded that the erection of a bell and wig-wag at the crossing, at mileage 6·0 Newport Subdivision, would be sufficient protection at that point. The applicant considered that the monies appropriated by the said Order for the construction of a subway at the crossing at mileage 6·0 Newport Subdivision would afford much greater protection to the travelling public; if spent at other points in the Province of Quebec where more dangerous crossings exist. It was stated by representatives of the railway company that the cost of the erection of a single bell and wig-wag at the crossing, at mileage 6·0 Newport Subdivision, would be approximately \$2,500, and the applicant requested that the Board amend its former Order by providing for the erection of a single bell and wig-wag at this crossing, and by contributing thereto 70 per cent of the cost from the above mentioned Parliamentary Vote No. 357.

Having regard to all the circumstances, I am of opinion that the present application should be granted and that Order No. 55115 should be rescinded, and a new Order issued to authorize the erection at the crossing, at mileage 6·0 Newport Subdivision, of a single automatic bell and wig-wag. I think an appropriation of 70 per cent of the cost, not to exceed the sum of \$1,750, should be contributed from the above mentioned Vote No. 357, and that the balance of the cost should be borne in equal portions by the applicant and by the Canadian Pacific Railway Company, and that the cost of future maintenance be also borne in equal portions by the applicant and the said railway company.

The Order should expressly rescind the provision of Order No. 55115 for the construction of a subway at the crossing, at mileage 6·0 Newport Subdivision, and for a contribution, not to exceed the sum of \$58,224, from Parliamentary Vote No. 357, above mentioned, and should be made subject to the approval of the Governor in Council. The Order should also recite that the provision made therein for payment of construction and maintenance by the Department of Roads of the Province of Quebec was made with the consent of that department.

FEBRUARY 25th, 1938.

The Deputy Chief Commissioner and Commissioners Stoneman and Stone concurred.

TRADUCTION

Requête du ministère de la Voirie de la Province de Québec demandant à la Commission de considérer la question d'installation d'une sonnerie et d'un pendule-avertisseur comme moyen de protection au passage de la voie ferrée du Pacifique-Canadien, au mille 6.0 de la subdivision de Newport, dans le canton de Dunham, comté de Missisquoi, près de Cowansville, au lieu de la protection autorisée par l'ordonnance de la Commission n° 55115, en date du 1er novembre 1937; et que les fonds réservés à cette fin par ladite ordonnance n° 55115 soient employés à la construction d'un passage inférieur au mille 1.5 de la subdivision de Ste-Agathe du Pacifique-Canadien, à Ste-Thérèse de Blainville, P.Q.

Dossiers n° 27156.52 et 40436.

JUGEMENT

GUTHRIE, Commissaire en chef:

Il s'agit ici d'une requête du ministère de la Voirie de la province de Québec, demandant à la Commission de reconsidérer son ordonnance n° 55115, en date du 1er novembre 1937, en vertu de laquelle le requérant fut autorisé à construire un passage inférieur sous la voie du chemin de fer Pacifique-Canadien, au mille 6.0 de sa subdivision de Newport, près de Cowansville, dans le canton de Dunham, comté de Missisquoi, P.Q. Aux termes de cette ordonnance, 70 pour cent du coût de construction du passage inférieur projeté n'excédant pas la somme de \$58,224, devaient être payés à même le fonds destiné à cette fin en vertu du crédit n° 357 pour le ministère des transports, et la balance, par le requérant. Il était, de plus prévu, dans cette ordonnance que la compagnie du chemin de fer Canadien du Pacifique entretiendrait la superstructure du dit passage inférieur et que le requérant paierait tous les autres frais d'entretien.

Par la présente requête, le requérant demande à la Commission de modifier sa dite ordonnance en biffant la clause qui pourvoit à la construction du passage inférieur sous la voie ferrée, au mille 6.0 de la subdivision de Newport, et en la remplaçant par une autre qui pourvoit à l'installation de sonneries et de pendules-avertisseurs au dit passage. Des avis de la présente requête furent dûment envoyés à la compagnie de chemin de fer et à la municipalité du canton de Dunham où se trouve situé le passage à niveau sur la subdivision de Newport.

À l'audition de cette requête à Ottawa, le 24 février 1938, des avocats comparurent pour le requérant et la compagnie de chemin de fer, mais il n'y en avait pas pour le canton de Dunham. Le procureur du requérant produisit une lettre du secrétaire-trésorier du canton de Dunham, comme exhibit n° 1, déclarant qu'à une assemblée régulière du conseil municipal de la dite municipalité, tenue le 6 février 1938, la résolution suivante fut adoptée:

"Moved by Councillor H. Teel, Seconded by Councillor W. R. Beach, and resolved that the Township of Dunham is in favor to have the installation of a wig-wag bell at Newport No. 6, in the Township of Dunham, but is also in favor of the construction of a tunnel if it were possible."

Il fut allégué de la part du requérant que celui-ci avait considéré de nouveau le problème de la protection aux passages à niveau situés dans la province de Québec depuis que l'ordonnance de la Commission avait été rendue dans la présente affaire, et qu'il en était arrivé à la conclusion que l'installation d'une sonnerie et d'un pendule-avertisseur au passage du chemin de fer, au mille 6.0 de la subdivision de Newport, serait une protection suffisante à cet endroit. Le requérant considéra que les fonds destinés par ladite ordonnance à la construction d'un passage inférieur sous la voie ferrée, au mille 6.0 de la subdivision de Newport, assureraient une plus grande protection pour le public voyageur s'ils

étaient dépensés à d'autres endroits de la province de Québec où il existe des passages à niveau plus dangereux. Les représentants de la compagnie de chemin de fer déclarèrent que le coût d'installation d'une seule sonnerie et d'un pendule-avertisseur au dit passage, au mille 6.0 de la subdivision de Newport, serait d'environ \$2,500, et le requérant demanda à la Commission de modifier son ordonnance de façon à pourvoir à l'installation d'une seule sonnerie et d'un pendule-avertisseur au dit passage, et d'accorder un octroi de 70 pour cent du coût de cette installation à même le susdit crédit parlementaire n° 357.

Considérant toutes les circonstances, je suis d'avis que la présente requête devrait être accordée et que l'ordonnance n° 55115 devrait être révoquée, et qu'une autre ordonnance devrait être émise autorisant l'installation d'une seule sonnerie automatique et d'un pendule-avertisseur au dit passage à niveau, au mille 6.0 de la subdivision de Newport. Je crois qu'une contribution de 70 pour cent du coût d'installation, n'excédant pas la somme de \$1,750, devrait être accordée à même le susdit crédit n° 357, et que la balance de tel coût devrait être payée en parts égales par le requérant et la compagnie du chemin de fer Canadien du Pacifique, et que le coût de l'entretien futur soit aussi assumé en parts égales par le requérant et ladite compagnie de chemin de fer.

L'ordonnance devait explicitement révoquer la clause de l'ordonnance n° 55115 qui pourvoit à la construction d'un passage inférieur sous la voie ferrée, au mille 6.0 de la subdivision de Newport, et à une contribution n'excédant pas la somme de \$58,224, à même le crédit parlementaire n° 357 ci-dessus mentionné, et devrait être sujette à l'approbation du gouverneur-en-conseil. L'ordonnance devrait aussi mentionner que la clause qu'elle contient relativement au paiement de la construction et de l'entretien par le ministère de la Voirie de la province de Québec a été insérée du consentement de ce ministère.

le 25 février 1938.

Le Commissaire en chef suppléant et les Commissaires Stoneman et Stone se sont ralliés au jugement ci-dessus.

ORDER No. 55752

In the matter of the application of the Department of Roads for the Province of Quebec, hereinafter called the "Applicant," for consideration by the Board of the question of the installation of bell and wigwag protection at the crossing of the highway by the Canadian Pacific Railway near Cowansville, Quebec, mileage 6.0 Newport Subdivision, in lieu of the subway authorized to be constructed at the said point under the Order of the Board No. 55115, dated November 1, 1937; and that the money committed by the said Order No. 55115 be transferred to the work of providing an undercrossing of the Canadian Pacific Railway at Ste. Thérèse de Blainville, mileage 1.5 Ste. Agathe Subdivision.

File No. 40436

THURSDAY, the 31st day of March, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa, February 24, 1938, in the presence of counsel for the applicant and the rail-

way company, no one appearing for the township of Dunham, and what was alleged; the applicant consenting to pay its share of the cost of installation and maintenance,—

It is ordered:

1. That the said Order No. 55115, dated November 1, 1937, authorizing a subway under the Canadian Pacific Railway near Cowansville, Quebec, and providing for the payment of \$58,224 from Department of Transport Vote No. 357, approved by Order in Council P.C. 2668 of October 27, 1937, be, and it is hereby, rescinded.

2. That, on or before the 1st day of June, 1938, the Canadian Pacific Railway Company install an automatic bell and wigwag at the said crossing of the highway near Cowansville, in the Township of Dunham, county of Missisquoi, and province of Quebec, mileage 6·0 Newport Subdivision, in accordance with the standard specifications for highway crossing signals, approved under General Order No. 468, dated March 12, 1929, as amended by General Orders Nos. 521 and 553, dated respectively November 2, 1933, and March 26, 1936; a detail plan showing the layout thereof to be submitted for the approval of an engineer of the Board.

3. That, with the approval of the Governor in Council by Order in Council P.C. 631, dated March 29, 1938, seventy per cent of the cost of installing the said bell and wigwag, not exceeding, however, the sum of \$1,750, be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 357, Special Supplementary Estimates 1937-38; and that the remainder of such cost, as well as the cost of maintenance be borne and paid in equal proportions by the applicant and the Canadian Pacific Railway Company.

H. GUTHRIE,
Chief Commissioner.

Application of the Department of Roads of the Province of Quebec, for consideration by the Board of the question of the installation of a bell and wigwag as protection at the crossing of the Canadian Pacific Railway, at mileage 6·0 Newport Subdivision, Township of Dunham, County of Missisquoi, near Cowansville, in lieu of the protection authorized by Order of the Board No. 55115, dated November 1, 1937; and that the money committed by said Order No. 55115 be transferred to a work providing for an undercrossing at mileage 1·5 Ste. Agathe Subdivision, Canadian Pacific Railway (Ste. Therese de Blainville), Quebec.

(Files 27156.52 and 40436)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This is an application of the Department of Roads of the Province of Quebec for the construction of an undercrossing at mileage 1·5 Ste. Agathe Subdivision of the Canadian Pacific Railway Company, at or near Ste. Therese de Blainville, in the Province of Quebec. The application as framed asks for the rescission of a former Order made by the Board, No. 55115, dated November 1, 1937, whereby the applicant was authorized to construct a subway under the Canadian Pacific Railway, at mileage 6·0 Newport Subdivision, near Cowansville, in the Township of Dunham, County of Missisquoi, and Province of Quebec, and with the approval of the Governor in Council, dated October 27, 1937, seventy per cent

of the cost of the said subway, not exceeding the sum of \$58,224, was to be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 357, Special Supplementary Estimates 1937-1938, and the remainder of the cost was to be borne by the applicant.

The Board has now decided to rescind the above Order, No. 55115, and to provide by another Order that a bell and wig-wag be erected at the crossing at mileage 6.0 Newport Subdivision, near Cowansville, instead of the proposed undercrossing which was authorized by Order No. 55115. The proposed bell and wig-wag will cost approximately \$2,500, and as a result a sum of approximately \$55,000 will be released for works in some other part of the Province of Quebec.

Applicant alleges that in carrying out its program of highway improvement in the Province of Quebec, it is very necessary to construct a subway at mileage 1.5 Ste. Agathe Subdivision, and it is deemed of much greater importance to utilize any funds which may be available for the construction of a subway on the Ste. Agathe Subdivision rather than construct a subway on the Newport Subdivision.

The application was heard at Ottawa on February 24, 1938, in the presence of counsel for the Department of Roads of the Province of Quebec and also of the Canadian Pacific Railway Company.

The applicant has now under construction an improved highway which will run from the City of Montreal to the Laurentian Mountains, passing through Ste. Therese de Blainville, St. Joseph, and other points. This is to be a modern and permanent highway, built to accommodate the very heavy motor traffic which has developed between the City of Montreal and various points in the Laurentian Mountains. A traffic count upon this highway for one week was taken last August, and this count showed that there was a daily average of about 4,000 motor cars and trucks, and on one day as many as 8,000.

The applicant has already constructed a viaduct entirely at its own expense at a point marked "Y" upon the map filed as Exhibit 2, and it is said that the construction of this work will greatly relieve traffic over the railway crossing near this point. It is also alleged that two dangerous crossings over the railway will be actually closed to traffic when the present work is completed. These will be crossings at Ste. Therese de Blainville at the point marked "D" upon Exhibit 2, and also another crossing at St. Jerome. At the present time highway traffic between Montreal and the Laurentians is by the road shown upon the map by the letters A, C, and D, and it is now proposed to direct this traffic over a straight road running between points A and B shown upon Exhibit 2, and the application is for an undercrossing at the point marked "X" upon said Exhibit 2. It will also be necessary for the applicant, at its own expense, to construct a new road three-quarters of a mile in length from Ste. Therese de Blainville to the new highway which is now under construction.

I think there can be no doubt that the new highway when completed will form a very important highway for the accommodation of practically all motor traffic between the City of Montreal and the Laurentians, and with the improvement and completion of this highway the number of motor cars passing over it will greatly increase in the future. The proposal of the applicant, if carried out, will actually eliminate two dangerous crossings, and will also greatly decrease the amount of traffic over the crossing at Ste. Therese de Blainville near the point marked "Y" upon Exhibit 2. In my opinion this work may well be authorized as one for the protection and convenience of the travelling public. It is estimated that the construction of the subway will cost approximately \$97,000, to which will have to be added about \$8,000 for the maintenance and supervision of traffic during construction. In addition to the above, it will be necessary for the applicant to spend in the neighbourhood of \$17,000 for necessary road work, and for the construction of about three-quarters of a mile of road from Ste. Therese de Blain-

ville to the main highway, and a further estimated sum of \$12,000 for engineers, plans and supervision, making a total sum of \$133,000 for the whole work.

In my opinion, this is a project which the Board will be warranted in authorizing a contribution of 70 per cent of the sum of \$105,000, being the cost of construction, not to exceed in all the sum of \$73,500 from Department of Transport Vote No. 357. I do not think the railway company should be called upon to make a large contribution to the cost of this work. The only advantage which will accrue to the railway company from the work will be the elimination of two otherwise dangerous crossings, and the company will be relieved in future from liability in respect of accidents which might take place at these crossings. It will also of course be relieved of the maintenance of two crossings. I think the railway company should contribute \$2,000 towards the cost of the work, which amount would, in my opinion, fairly represent any benefit which the railway company will derive from the work. One must realize that the general effect of the new and improved highway will probably operate to the disadvantage of the railway company, and that a greater amount of traffic both freight and passenger will in the future be carried over the highway. Under these circumstances, I think it would be unreasonable to ask the railway company to bear more than the amount above specified, namely \$2,000, in respect of this work. I think, however, that the railway company should maintain the superstructure of the proposed subway. All other costs in respect of the construction of the subway and of the roadway, and all future maintenance (except upon the superstructure) should be paid by the applicant.

An Order will be made accordingly.

FEBRUARY 25, 1938.

The Deputy Chief Commissioner and Commissioners Stoneman and Stone concurred.

TRADUCTION

Requête du ministère de la Voirie de la Province de Québec demandant à la Commission de considérer la question d'installation d'une sonnerie et d'un pendule-avertisseur comme moyen de protection au passage de la voie ferrée du Pacifique-Canadien, au mille 6.0 de la subdivision de Newport, dans le canton de Dunham, comté de Missisquoi, près de Cowansville, au lieu de la protection autorisée par l'ordonnance de la Commission n° 55115, en date du 1er novembre 1937; et que les fonds réservés à cette fin par la dite ordonnance n° 55115 soient employés à la construction d'un passage inférieur au mille 1.5 de la subdivision de Ste-Agathe du Pacifique-Canadien, à Ste-Thérèse de Blainville, P.Q.

Dossiers n°s 27156.52 et 40436

JUGEMENT

GUTHRIE, COMMISSAIRE EN CHEF:

Il s'agit ici d'une requête du ministère de la Voirie de la province de Québec, demandant la construction d'un passage inférieur au mille 1.5 de la subdivision de Ste-Agathe, chemin de fer Pacifique-Canadien, à ou près de Ste-Thérèse de Blainville, dans la province de Québec. Cette requête telle que rédigée demande la révocation de l'ordonnance de la Commission n° 55115, en date du 1er novembre 1937, en vertu de laquelle le requérant était autorisé à construire un passage inférieur sous la voie du Pacifique-Canadien, au mille 6.0 de la subdivision de Newport, près de Cowansville, canton de Dunham, comté de Missis-

quoi, P.Q., et avec l'approbation du gouverneur-en-conseil, datée du 27 octobre 1937, soixante-dix pour cent du coût de construction du dit passage inférieur, n'excédant pas la somme de \$58,224 devaient être payés à même le fonds destiné à cette fin en vertu du crédit n° 357 pour le ministère des transports, estimés supplémentaires spéciaux de 1937-1938, et la balance du dit coût devait être assumée par le requérant.

La Commission a maintenant décidé de révoquer son ordonnance n° 55115 et de pourvoir par une autre ordonnance à l'installation d'une sonnerie et d'un pendule-avertisseur au passage situé au mille 6.0 de la subdivision de Newport, près de Cowansville, au lieu du passage inférieur projeté qui fut autorisé par l'ordonnance n° 55115. L'installation de la sonnerie et du pendule-avertisseur coûtera environ \$2,500 et comme conséquence de cette installation, une somme d'environ \$55,000 sera susceptible d'être employée pour des travaux dans d'autres parties de la province de Québec.

Le requérant allègue que dans l'exécution de son programme d'amélioration des routes dans la province de Québec, il est tout à fait nécessaire de construire un passage inférieur au mille 1.5 de la subdivision de Ste-Agathe, et il est considéré de la plus grande importance d'utiliser tous les fonds, qui peuvent être disponibles, à la construction d'un passage inférieur sur la subdivision de Ste-Agathe plutôt que d'en construire un sur la subdivision de Newport.

La requête fut entendue à Ottawa, le 24 février 1938, en présence des avocats du ministère de la Voirie de Québec et de la compagnie du chemin de fer Canadien du Pacifique.

Le requérant est actuellement à construire une grande route qui doit s'étendre de Montréal aux Laurentides, en passant par Ste-Thérèse de Blainville, St-Joseph et autres endroits. Cette route va être moderne et permanente et construite pour accommoder le très lourd trafic automobile qui s'est développé entre la cité de Montréal et les divers endroits des Laurentides. On a fait un relevé du trafic sur cette route durant une semaine au mois d'août dernier, et l'on a constaté par ce relevé qu'il y avait une moyenne par jour d'environ 4,000 automobiles et camions qui y passaient, et dans une seule journée, on en a compté jusqu'à 8,000.

Le requérant a déjà construit un viaduc entièrement à ses frais à un endroit marqué "Y" sur la carte produite comme exhibit 2, et l'on dit que cette construction réduira grandement le trafic sur le passage près de cet endroit. On allègue aussi que deux passages à niveau dangereux disparaîtront lorsque le projet dont il est actuellement question aura été effectué; un de ces passages est situé à Ste-Thérèse de Blainville à l'endroit marqué "D" sur l'exhibit 2, et l'autre est situé à St-Jérôme. Actuellement la circulation entre Montréal et les Laurentides se fait par la route indiquée sur la carte par les lettres A, C, et D, et l'on se propose maintenant de diriger cette circulation sur une route directe s'étendant entre les points A et B indiqués sur l'exhibit 2, et la requête a en vue la construction d'un passage inférieur au point marqué "X" sur le dit exhibit 2. Il faudra aussi que le requérant construise à ses frais une nouvelle route ayant une distance de trois quarts de mille à partir de Ste-Thérèse de Blainville jusqu'à la nouvelle route actuellement en construction.

Je crois qu'il ne peut y avoir de doute que lorsqu'elle sera complétée, la nouvelle route deviendra une artère très importante pour la commodité de presque tout le trafic des véhicules-moteurs entre Montréal et les Laurentides, et avec les améliorations et le parachèvement de cette route, le nombre de voitures augmentera considérablement par la suite. Le projet du requérant, s'il est mis à exécution, éliminera de fait deux passages dangereux et contribuera à réduire considérablement le trafic au passage de Ste-Thérèse de Blainville, près de l'endroit marqué "Y" sur l'exhibit 2. A mon avis, l'exécution de ce projet peut bien être autorisé comme projet en vue de la protection et de la commodité du public voyageur. On calcule que la construction de ce passage

inférieur coûtera environ \$97,000 en plus de \$8,000 qu'il faudra ajouter pour l'entretien et la surveillance de la circulation durant la construction. Il faudra en plus que le requérant dépense à peu près \$17,000 pour les travaux nécessaires sur la route et pour la construction d'à peu près trois quarts de mille de chemin de Ste-Thérèse de Blainville à la route principale, et une somme additionnelle évaluée à \$12,000 pour les ingénieurs, les plans et la surveillance, ce qui fait un total de \$133,000 pour tous les travaux.

A mon avis, il s'agit ici d'un projet pour lequel la Commission sera justifiable d'autoriser, à même le crédit n° 357 pour le ministère des transports, une contribution de 70 pour cent de la somme de \$105,000 qui représente le coût de construction, laquelle contribution ne devra pas excéder en tout la somme de \$73,000. Je ne crois pas que la compagnie de chemin de fer devrait être appelée à contribuer une forte somme au coût de cet ouvrage. Le seul avantage dont pourra bénéficier la compagnie de chemin de fer consiste dans la suppression de deux passages à niveau d'ailleurs dangereux, et la compagnie sera par la suite dégagée de toute responsabilité par rapport aux accidents qui pourraient survenir à ces passages. Elle sera aussi par conséquent relevée de l'obligation d'entretenir ces deux passages. Je crois que la compagnie de chemin de fer devrait contribuer pour la somme de \$2,000 au coût des travaux, montant qui, à mon avis, représente raisonnablement les avantages dont elle pourra bénéficier par ces travaux. Il faut se rendre compte que le résultat général de la nouvelle route améliorée sera probablement désavantageux pour la compagnie de chemin de fer, et qu'à l'avenir, un plus grand volume de marchandises et un plus grand nombre de voyageurs seront transportés sur cette route. Dans les circonstances, je crois qu'il ne serait pas raisonnable de demander à la compagnie de chemin de fer d'encourir une responsabilité pour un montant plus élevé que celui qui est spécifié plus haut, à savoir \$2,000 relativement à cet ouvrage. Je crois, cependant, que la compagnie de chemin de fer devrait entretenir la superstructure du passage inférieur projeté. Toutes autres dépenses en rapport avec la construction du passage inférieur et de la chaussée, ainsi que les frais de tout entretien futur (sauf l'entretien de la superstructure) devraient être payés par le requérant.

Une ordonnance va être rendue en conséquence.

le 25 février 1938.

Le Commissaire en chef suppléant et les Commissaires Stoneman et Stone se sont ralliés au jugement ci-dessus.

ORDER No. 55753

In the matter of the application of the Department of Roads for the Province of Quebec, hereinafter called the "Applicant," for authority to construct an undercrossing of the Canadian Pacific Railway near Ste. Thérèse de Blainville, in the Province of Quebec, mileage 1.5 Ste. Agathe Subdivision; and for a contribution from Department of Transport Vote No. 357, in lieu of the money appropriated by Order No. 55115, dated November 1, 1937, for a subway at Cowansville, Quebec, mileage 6.0 Newport Subdivision, the construction of which is not being proceeded with.

File No. 27156.52

THURSDAY, the 31st day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa, February 24, 1938, in the presence of counsel for the applicant and the railway company, and what was alleged,—
It is ordered:

1. That the applicant be, and it is hereby, authorized to construct a subway under the Canadian Pacific Railway at mileage 1.5 Ste. Agathe Subdivision, near Ste. Thérèse de Blainville, in the province of Quebec, as shown on plans numbered 49602-1, 49602-2, and 49602-3, dated October 18, 1937, and 49602-4, dated November 5, 1937, on file with the Board under file No. 27156.52.

2. That the existing level crossing of the Canadian Pacific Railway at mileage 1.04 Ste. Agathe Subdivision be closed within the limits of the railway right of way.

3. That, with the approval of the Governor in Council by Order in Council P.C. 632, dated March 29, 1938, seventy per cent of the cost of constructing the said subway, not exceeding, however, the sum of \$73,500, be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 357, Special Supplementary Estimates 1937-38; that the Canadian Pacific Railway Company pay the sum of \$2,000 toward the cost of the said work; and that the remainder be paid by the applicant.

4. That the Canadian Pacific Railway Company maintain the superstructure of the proposed subway; all other maintenance costs to be paid by the applicant.

5. That the approval of the Governor in Council by the said Order in Council herein referred to is subject to the proviso that the applicant shall agree with His Majesty, represented by the Minister of Transport, in such form as the said minister may approve, that all persons employed in the execution of the works herein authorized shall, while so employed during the continuance of the execution of the works, be paid fair wages and that the working hours of such persons shall not exceed eight hours per day nor forty-four hours per week while so employed, all in accordance with the provisions of the Fair Wages and Hours of Labour Act, 1935.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55704

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

SATURDAY, the 19th day of March A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 6 to Tariff C.R.C. No. E-4485, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 6 to Tariff C.R.C. No. E-4485, approved herein, are as follows:—

Index	Cents per 100 pounds
933B Islington, Ont.	41½
933C Don, Ont.	
933D Mount Dennis, Ont.	
933E Weston, Ont.	
952 Wark, Ont.	37
952A Smithfield, Ont.	
1434 Azilda, Ont.	47
1435 Chelmsford, Ont.	
1436 Larchwood, Ont.	52½
1437 Levack, Ont.	
1438 Windy Lake, Ont.	53
1439 Cartier, Ont.	
1440 Geneva, Ont.	56½
to	
1442 Stralak, Ont.	59½
1445 Wye, Ont.	
1451 Biscotasing, Ont.	61½
1453 Ramsey, Ont.	
to	61
1464 Chapleau, Ont.	
1469 Nicholson, Ont.	63½
to	
1474 Dalton, Ont.	65½
1477 Missanabie, Ont.	
1479 Lochalsh, Ont.	68½
to	
1490 Amyot, Ont.	69½
1494 White River, Ont.	
1497 Bertrand, Ont.	69
to	
1499 Trudeau, Ont.	72
1501 Hemlo, Ont.	
to	76½
1507 Coldwell, Ont.	
1509 Middleton, Ont.	72
to	
1521 Rossport, Ont.	76½
1524 Gravel, Ont.	
to	47
1537 Mackenzie, Ont.	
1625 Clara Belle, Ont.	49
to	
1631 O'Donnell, Ont.	57½
1643 Espanola, Ont.	
1645 Anderson Lake, Ont.	61½
to	
1655 White Fish Falls, Ont.	61½
1657 Birch Island, Ont.	
to	61½
1663 Little Current, Ont.	

Algoma Central & Hudson Bay Ry. via Sault Ste. Marie, Ont.		Groups				
Index		1	2	3		
		Cents per 100 pounds				
3005	Odena, Ont.	56	55½	56		
3015	Heyden, Ont.	56	55½	55½		
3030	Northland, Ont.	59½	58½	58½		
3035	Glendale, Ont.					
3040	Searchmont, Ont.					
to	to	61½	60½	60½		
3055	Achigan, Ont.					
3065	Ogidaki, Ont.					
3075	Mashkode, Ont.	63½	62½	62½		
3090	Mekatina, Ont.	65½	64½	64½		
3095	Pangis, Ont.	69	68	67½		
3110	Batchewanna, Ont.					
3115	Regent, Ont.					
3020	Hubert, Ont.	74	73	73		
to	to	74½	73	72½		
3160	Hawk Jct., Ont.					
(Via Franz, Ont.)						
3163	Alden, Ont.	66	65	65		
3170	Goudreau, Ont.					
3175	Wanda, Ont.					
3185	Scully, Ont.	74½	73	73½		
3190	Hilda, Ont.	74½	73	73		
to	to					
3215	Langdon, Ont.					
3220	Oba, Ont.	67	65½	64½		
3225	Norris, Ont.	74½	73	73		
3230	Kennedy, Ont.					
3235	Hale, Ont.					
to	to	74½	73	72½		
3250	Stavert, Ont.					
3255	Hearst, Ont.					
(Via Sault Ste Marie, Ont.)		70	69	68½		
3265	Magpie, Ont.	74½	73	72½		
to	to					
3295	Michipicoten, Ont.					
Canadian National Railways (via Jacques Cartier Junction)						
9126	La Baie, Que.	(2) 38	32½	37½		
to	to	(1) 34				
9136	Yamaska, Que.					
9142	Sorel, Que.	(2) 40	32½	40		
to	to					
9144	St. Roch de Richelieu, Que.				(1) 34	
9146	Contrecoeur, Que.	(2) 38	32½	37½		
to	to					
9154	Varenes, Que.				(1) 34	
9156	Boucherville, Que.	(2) 37½	32	37½		
		(1) 34				
9164	St. Robert, Que.	(2) 40				
		(1) 34	32½	40		
9166	St. Aime, Que.					
to	to					
9172	St. Barnabe South, Que.	(2) 38			32½	37½
		(1) 34				
London & Port Stanley Ry.						
20900	London, Ont.	47½	47½	47½		
Nipissing Central Ry.						
22305	Kirkland Lake, Ont.	60	59	59		
22310	King Kirkland, Ont.					
22320	Northland's Park, Ont.					
to	to	62	61	61		
22350	Dasserat, Que.					
22355	Kanasuta, Que.					
to	to	62	61	61		
22370	Boischatel, Que.					
22375	Rouyn, Que.	(2) 62	52½	61		
22380	Noranda, Que.	(1) 54				
24615	Trout Mills, Ont.					
to	to	46	45	45		
24630	Widdifield, Ont.					
24635	Mulock, Ont.	47	46	46		
24645	Tomiko, Ont.					
24655	Riddle, Ont.					
to	to	53	52	52		
24695	Temagami, Ont.					

(1) (2) See page No. 4 of original tariff for application
Temiskaming & Northern Ontario Railway

Index		Groups		
		1	2	3
		Cents per 100 pounds		
24700	Goward, Ont.	53½	52½	53
to	to			
24710	Rib Lake, Ont.			
24715	Johnson, Ont.	53½	52½	53
to	to			
24755	Haileybury, Ont.			
24760	New Liskeard, Ont.	57	56	56
to	to			
24790	Englehart, Ont.			
24800	Kadmon, Ont.	60	59	59
to	to			
24845	Kenogami Lake, Ont.			
24850	Sesekinika, Ont.	62	61	61
to	to			
24865	Ramore, Ont.			
24870	Vimy Ridge, Ont.	61½	60	59
to	to			
24940	Nahma, Ont.			
24945	Cochrane, Ont.	60	59	59
24950	Dack, Ont.			
24955	Charlton, Ont.			
24960	Larocque, Ont.	72½	71	71½
24965	Genier, Ont.			
to	to			
24995	Wurtele, Ont.	73½	72½	72½
25030	McCool, Ont.			
to	to			
25070	Elk Lake, Ont.	60	59	59
25080	Onagon, Ont.			
to	to			
25160	Timmins, Ont.	62	61	61
	Wabash Railway			
25705	Windsor, Ont.			
		50	50	50

Index	GROUP 1				GROUP 2						GROUP 3			
	Saint John, N.B., Fairville N.B., Bay Shore, N.B., West St. John, N.B., Chipman, N.B., Norton, N.B.	South Bay N.B., Grand Bay, N.B.	Other stations in group	Fredericton, N.B.	Sigas, N.B., Quisibis, N.B., Thériault, N.B.	Green River, N.B., St. Basil, N.B.	Edmundston, N.B., St. Hilaire N.B.	St. Modeste, N.B., St. Louis du Ha Ha	Baker Brook, N.B., Caron Brook, N.B.	Other Temiscouata Railway Stations		Woodstock, N.B., South Devon, N.B., Marysville, N.B.	Other Stations in group	Nerepis, N.B., to McAdam, N.B., Ruisseau, N.B., to Morrison, N.B., Barber Dam to St. Andrews, N.B.	Other Stations in group
308 A	Pesley, Que.	32	32	32	32	32	32	32	32	32	32	32	32	32
590	Quebec, Que.	30	30	30	30	29	29	28	26	30	30	30	29	29
22900	Beebe Junction, Que.	40	40	40	40	40	40	40	40	40	40	40	40	40
22905	Tomifobia, Que.	40	40	40	40	40	40	40	40	40	40	40	40	40
22910	Boynston, Que.	38	38	38	38	38	38	38	38	38	38	38	38	38
22915	Ayers Cliff, Que.	38	38	38	38	38	38	38	38	38	38	38	38	38
22925	North Hatley, Que.	37	37	37	37	37	37	37	37	37	37	37	37	37
22930	Eustis, Que.	36	36	36	36	36	36	36	36	36	36	36	36	36
22935	Capleton, Que.	37	37	37	37	37	37	37	37	37	37	37	37	37
22960	Ascot, Que.	37	37	37	37	37	37	37	37	37	37	37	37	37
22975	East Angus, Que.	38	38	38	38	38	38	38	38	38	38	38	38	38
22990	Dudswell, Que.	38	38	38	38	38	38	38	38	38	38	38	38	38
22995	Bishopston, Que.	38	38	38	38	38	38	38	38	38	38	38	38	38
23000	Marbleton, Que.	38	38	38	38	38	38	38	38	38	38	38	38	38
23005	Weedon, Que.	40	40	40	40	40	40	40	40	40	40	40	40	40
23010	St. Gerard, Que.	40	40	40	40	41	41	41	41	41	41	41	40	41
23025	Garthby, Que.	40	40	40	40	41	41	41	41	41	41	41	40	41
23030	Disraeli, Que.	40	40	40	40	41	41	42	42	42	41	41	40	41
23035	Coleraine, Que.	40	40	40	40	41	41	42	42	42	41	41	40	41
23040	Black Lake, Que.	40	40	40	40	40	40	41	41	41	40	40	40	41
23050	Theford Mines, Que.	40	40	40	40	40	40	41	41	41	40	40	40	41
23060	Robertson, Que.	40	40	39	39	39	39	40	40	40	39	39	40	41
23070	Leeds, Que.	40	40	39	39	39	39	40	40	40	39	39	40	41
23080	East Broughton, Que.	40	40	38	38	38	38	38	38	38	38	38	40	41
23105	Tring Junction, Que.	40	40	38	38	38	38	38	38	38	38	38	40	41
23110	Vallee Junction, Que.	40	40	36	36	37	37	37	37	37	36	36	40	41
23115	Ste. Marie, Que.	40	40	35	35	35	35	35	35	35	35	35	38	38
23120	Scotts Junction, Que.	40	40	34	34	34	34	34	34	34	34	34	37	37
23125	Bras, Que.	39	39	33	33	33	33	34	34	34	33	33	36	36
23130	Ville Lambert, Que.	37	37	32	32	32	32	32	32	32	32	32	35	35
23135	Breakaville, Que.	37	37	31	31	31	31	32	32	32	31	31	35	35
23140	Anderson Siding, Que.	31	31	25	25	25	25	26	26	26	25	25	28	28
31415	Diamond, Que.	31	25	25	25	25	25	26	26	26	25	25	28	28

23150	Quebec, Que.	30	31½	30	29½	29½	28½	26½	30	30	30	29	29
23155	Rock Island, Que.	40½	40½	40½	40½	40½	40½	40½	40½	40½	40½	40½	40½
23160	Stanstead, Que.	40½	40½	40½	40½	40½	40½	40½	40½	40½	40½	40½	40½
23175	St. Victor, Que.	39	39	33½	33½	33½	34	34	34	33½	33½	34	36½
23180	St. Ephrem, Que.	40	40	34½	34½	34½	35	35	35	34½	34½	37½	37½
23185	St. Evariste, Que.	40	40	35	35	35	35½	35½	35	35	35	35½	38½
23200	Courcelles, Que.	38½	40½	36½	37	37	37½	37½	36½	36½	36½	38½	38½
23215	St. Sebastien, Que.	38	40	38	38	38	38	38	38	38	38	38	38
23235	St. Samuel, Que.	37	39	37	37	37	37	37	37	37	37	37	37
23240	Ste. Cecile, Que.	36	38	36	36	36	36	36	36	36	36	36	36
23255	St. Joseph (Beauce Co.), Que., to	40	40½	40	41½	41½	44	44	44	41½	41½	40	41½
2325	Lake Frontier, Que.												
23335	Ste. Henedine, Que.	40	41½	40	41½	41½	44½	44½	44½	41½	41½	40	41½
23440	St. Anselme, Que., to	29½	34½	27½	26½	24	27	24½	28	27½	27½	34½	34½
23450	Harlak Junction, Que.												
23455	Levis, Que.	29½	34½	27½	26½	24	27	24½	28	27½	27½	34½	34½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55709

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

SATURDAY, the 19th day of March A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 890 and 1190 from Edmundston, N.B., to Saint John and West Saint John, N.B., and Halifax, N.S., and item 1060 in Tariff C.R.C. No. E-4734, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said items 890 and 1190, from Edmundston, N.B., to Saint John and West Saint John, N.B., and Halifax, N.S., and item 1060 in Tariff C.R.C. No. E-4734, approved herein, are as follows, namely:—

Item	From	To	Cents per 100 pounds
890	Edmundston, N.B.	Saint John, N.B.	15½
		West Saint John, N.B.	
		Halifax, N.S.	18½
1060	To		
	Saint John, N.B.		16½ C.L.
	West Saint John, N.B.		21½ L.C.L.
1190	From	To	
	Edmundston, N.B.	Saint John, N.B.	14½
		West Saint John, N.B.	
		Halifax, N.S.	17½

One and one-half cents per 100 pounds to be deducted on traffic to Halifax, N.S., account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55710

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

SATURDAY, the 19th day of March A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 3925 of Supplement No. 7 to Tariff C.R.C. No. E-4829, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said items 890C and 891 from Edmundston, N.B., to Saint John and approved herein, are as follows:—

Item	To	Cents per 100 pounds
3925		
	Fredericton, N.B.	14½
	Grand Falls, N.B.	29
	Perth Jct., N.B.	22½
	Woodstock, N.B.	20

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55707

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

MONDAY, the 21st day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 890D from Edmundston, N.B., to Saint John and West Saint John, N.B., and Halifax, N.S., in Supplement No. 42 to Tariff C.R.C. No. E-4734, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 890D from Edmundston, N.B., to Saint John and West Saint John, N.B., and Halifax, N.S., in Supplement No. 42 to Tariff C.R.C. No. E-4734, approved herein, are as follows:—

Item	From	To	Cents per 100 pounds
890D	Edmundston, N.B.	Saint John, N.B.	15½
		West Saint John, N.B.	
		Halifax, N.S.	18½

One and one-half cents per 100 pounds to be deducted on traffic to Halifax, N.S., account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55708

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 21st day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 46 to Tariff C.R.C. No. E-1974.

Supplement 30 to Tariff C.R.C. No. E-2444.

Tariff C.R.C. No. E-2756.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55711

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

MONDAY, the 21st day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 890C and 891 from Edmundston, N.B., to Saint John and West Saint John, N.B., and Halifax, N.S., in Supplement No. 38 to Tariff C.R.C. No. E-4734, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said items 890C and 891 from Edmundston, N.B., to Saint John and West Saint John, N.B., and Halifax, N.S., in Supplement No. 38 to Tariff C.R.C. No. E-4734, approved herein, are as follows:—

Item	From	To	Cents per 100 pounds
890C	Edmundston, N.B.	Saint John, N.B.	15½
		West Saint John, N.B.	
		Halifax, N.S.	18½
891	Edmundston, N.B.	Saint John, N.B.	15½
		West Saint John, N.B.	
		Halifax, N.S.	18½

One and one-half cents per 100 pounds to be deducted on traffic to Halifax, N.S., account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55726

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

THURSDAY, the 24th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 765, filed by the Temiscouata Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 765, approved herein, are as follows:—

Miles	Cents per 100 pounds
5	6
10	6½
20	6
40	6½
60	7½
70	9
80	8½
100	10
120	11½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55727

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 24th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 75, and from Edmundston, N.B., to Saint John and West Saint John, N.B., and Halifax, N.S., in item 892 of Supplement No. 44 to Tariff C.R.C. No. E-4734, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are, hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 75, and from Edmundston, N.B., to Saint John and West

Saint John, N.B., and Halifax, N.S., in item 892 of Supplement No. 44 to Tariff C.R.C. No. E-4734, approved herein, are as follows:—

Item	From		Cents per Canadian Standard Barrel
75	Fredericton, N.B.		27½
	Woodstock, N.B.		34
892	From	To	Cents per 100 pounds
	Edmundston, N.B.	Saint John, N.B.	} 15½
		West Saint John, N.B.	
		Halifax, N.S.	
			18½

One and one-half cents per 100 pounds to be deducted on traffic to Halifax, N.S., account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55738

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 28th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 39 to Tariff C.R.C. No. E-1689.
Supplement 44 to Tariff C.R.C. No. E-1906.
Supplement 48 to Tariff C.R.C. No. E-1974.
Supplement 31 to Tariff C.R.C. No. E-2444.
Tariff C.R.C. No. E-2759 and Tariff C.R.C. No. E-2760.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55740

In the matter of the tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

TUESDAY, the 29th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 2565 of Supplement No. 1 to Tariff C.R.C. No. E-4829, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 2565 of Supplement No. 1 to Tariff C.R.C. No. E-4829, approved herein, is $2\frac{1}{2}$ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55741

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

TUESDAY, the 29th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 2565A of Supplement No. 6 to Tariff C.R.C. No. E-4829, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 2565A of Supplement No. 6 to Tariff C.R.C. No. E-4829, approved herein, is $2\frac{1}{2}$ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55757

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

THURSDAY, the 31st day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 54 of Supplement No. 1 to Tariff C.R.C. No. 1063, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 54 of Supplement No. 1 to Tariff C.R.C. No. 1063, approved herein, is $10\frac{1}{2}$ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55768

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.8

MONDAY, the 4th day of April, A.D. 1938.

J. A. STONEMAN, *Commissioner*.

The Board orders:

1. That the toll published in Tariff C.R.C. No. 62, filed by the Sydney and Louisburg Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 62, approved herein, is 6 cents per 100 pounds.

J. A. STONEMAN,
Commissioner.

ORDER No. 55765

In the matter of the application of the Quebec Central Railway Company, herein-after called the "Applicant Company," for permission to file on less than statutory notice a supplement to its Tariff C.R.C. No. 1102, to correct a clerical error.

File No. 27612.172

MONDAY, the 4th day of April, A.D. 1938.

J. A. STONEMAN, *Commissioner*.

Whereas, through a clerical error in Supplement 8 to the applicant company's Tariff C.R.C. No. 1102, incorrect rates are published on lime, common or hydrated, carloads, from Dudswell or Marbleton, Quebec, to certain destinations in Nova Scotia, and the applicant company desires to establish the correct rates to apply, on less than statutory notice,—

It is ordered: That the applicant company be, and it is hereby, granted leave to file, on one day's notice, a supplement to its Tariff C.R.C. No. 1102, to correct the said error.

J. A. STONEMAN,
Commissioner.

ORDER No. 55769

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

MONDAY, the 4th day of April, A.D. 1938.

J. A. STONEMAN, *Commissioner*.

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act

be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 14 to Tariff C.R.C. No. E-1248.
 Supplement 50 to Tariff C.R.C. No. E-1911.
 Supplement 32 to Tariff C.R.C. No. E-2444.
 Supplement 18 to Tariff C.R.C. No. E-2526.
 Tariff C.R.C. No. E-2762.
 Tariff C.R.C. No. E-2763.
 Tariff C.R.C. No. E-2764.

J. A. STONEMAN,
Commissioner.

GENERAL ORDER No. 571

In pursuance of the powers conferred upon it by Sections 30 and 269 of the Railway Act, and of all other powers possessed by the Board in that behalf.

File No. 8543.3

SATURDAY, the 26th day of March, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

It is ordered:

1. That every railway company subject to the legislative authority of the Parliament of Canada be, and it is hereby, forbidden to handle freight cars in main line passenger trains unless such freight cars are equipped with air brakes, communicating signals, steel or steel-tired wheels, and trucks designed for use in passenger train service: PROVIDED, however, that every such company shall be at liberty to use such freight cars in its passenger service when its baggage cars, or freight cars, especially equipped as aforesaid, become disabled or unfit for use while in transit and such cars only are available to receive the baggage or freight, as the case may be, to avoid unnecessary delay in forwarding the same. In this event, the cars must not be loaded beyond their marked capacity, and the speed of the train must not exceed thirty-five miles an hour.

2. That no branch line passenger train on which is placed a freight car not equipped as provided in the first paragraph hereof shall be allowed to exceed the speed in any one mile prescribed for mixed trains on that subdivision, and shall not in any case exceed thirty-five miles per hour; and such restrictions shall be covered by train order.

3. That every such railway company failing to comply with the foregoing requirements shall be liable to a penalty not exceeding fifty dollars for every such offence.

4. That the General Order of the Board No. 20, dated November 25, 1908, made herein, be, and it is hereby, rescinded.

H. GUTHRIE,
Chief Commissioner.

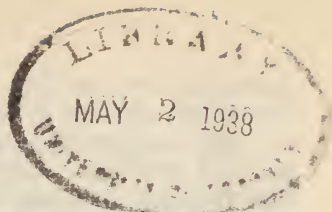
SUMMARY OF ORDERS ISSUED BY THE BOARD

- 55655. March 4—Authorizing the Midland Railway Co. of Manitoba to remove spur between Ross and Elgin avenues, Winnipeg, Man.
- 55656. March 3—Declaring the C.N.R. crossing at mileage 0·3 Milton Subdv. protected to Board's satisfaction.
- 55657. March 3—Authorizing the C.N.R. to operate bridge at mileage 98·8 Ashcroft Subdv.
- 55658. March 4—Declaring the C.N.R. crossing first west of Mariposa Station, Ont., protected to Board's satisfaction
- 55659. March 4—Declaring the C.P.R. crossing at Salisbury drive, Vancouver, B.C., protected to Board's satisfaction.
- 55660. March 4—Declaring the C.N.R. crossing first east of Markham Station, Ont., protected to Board's satisfaction.
- 55661. March 7—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55662. March 7—Authorizing the C.N.R. to construct siding across Albert street, Lindsay, Ont.
- 55663. March 7—Declaring the New York Central Railroad crossing of South Main street, Welland, Ont., protected to Board's satisfaction.
- 55664. March 7—Declaring the New York Central Railroad crossing at West Lorne, Ont., protected to Board's satisfaction.
- 55665. March 7—Declaring the C.N.R. crossing at mileage 2·50 Elgin Subdv., protected to Board's satisfaction.
- 55666. March 7—Declaring the C.P.R. crossing at Marmora street, Trenton Ont., protected to Board's satisfaction.
- 55667. March 7—Approving location of additional storage tank of Union Oil Co. of Canada Ltd., at Princeton, B.C.
- 55668. March 10—Extending time within which C.P.R. branch lines to serve Dominion Textile Co., Ltd., LaSalle, Que., may be completed.
- 55669. March 7—Requiring the city of Quebec to grant permission for moving of poles on Dalhousie street.
- 55670. March 10—Amending Order No. 45765 requiring the Bell Telephone Co. and Oakville Water and Light Commission to move such of their utilities as may be affected by construction of subway on 7th line road, Oakville, Ont.
- 55671. March 3—Approving abandonment of portion of C.N.R. La Tuque Subdv.
- 55672. March 10—Approving traffic agreement between Bell Telephone Co. and La Cie de Téléphone LaTuque Falls.
- 55673. March 10—Approving traffic agreement between Bell Telephone Co. and Brown Corp. Inc.
- 55674. March 10—Refusing applications of town of Cowansville for elimination of three level crossings of C.P.R. between Cowansville and Farnham, and of Dept. of Roads for Quebec for grade crossing contribution towards cost of diverting Highway No. 40.
- 55675. March 10—Approving clearance at proposed coal loading platform serving Parker D. Mitchell, Ltd., on siding at West Saint John, N.B., C.P.R.
- 55676. March 10—Authorizing the C.N.R. to reconstruct bridge over Kyax river, B.C.
- 55677. March 10—Declaring the C.P.R. crossing of Dundas street, Galt, Ont., protected to Board's satisfaction.
- 55678. March 11—Declaring the C.N.R. crossing of Forest street, Parry Sound, Ont., protected to Board's satisfaction.
- 55679. March 12—Authorizing the C.P.R. to relocate portion of trackage, etc., to serve Consolidated Paper Corp., Ltd., at mileage 2·0 Wayagamac Spur, Trois Rivières, Que.
- 55680. March 10—Declaring the C.N.R. crossing at mileage 87·61 Grand Falls Subdv. protected to Board's satisfaction.
- 55681. March 12—Approving plan showing signal protection at crossing of C.N.R. and Fort William Street Railway, Fort William, Ont.
- 55682. March 15—Declaring the C.P.R. crossing at mileage 24·9 Alberta Central Subdv. protected to Board's satisfaction.
- 55683. March 15—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in certain tariffs filed by the C.N.R. under sec. 3.

- 55684. March 15—Approving traffic agreement between the Bell Telephone Co. and the Ivy Thornton Telephone Co. Ltd.
- 55685. March 15—Declaring the C.P.R. crossing of Eckhardt avenue, Penticton, B.C., protected to Board's satisfaction.
- 55686. March 15—Declaring the C.N.R. crossing at mileage 67·32 Sussex Subdv. protected to Board's satisfaction.
- 55687. March 16—Requiring the C.N.R. to install an automatic bell and wigwag at crossing of highway near Winfield, B.C., mileage 103·80 Okanagan Subdv.
- 55688. March 15—Extending time within which the London and Port Stanley Railway Co. may install bell and wigwag at crossing of Brick street, township of Westminster.
- 55689. March 15—Extending time within which the London and Port Stanley Railway Co. may install bell and wigwag at crossing of Warren street, Port Stanley, Ont.
- 55690. March 15—Authorizing the Dept. of Highways and Transportation for Saskatchewan to construct highway crossing over the C.N.R. on road allowance east of SE $\frac{1}{4}$ Sec. 32, 44, 30, W.3M.
- 55691. March 16—Declaring the C.P.R. crossing of Golf street, North Bay, Ont., protected to Board's satisfaction.
- 55692. March 15—Distributing the cost of subway authorized to be constructed under the C.P.R. at Park avenue, Montreal, Que.
- 55693. March 16—Authorizing the C.P.R. to reconstruct bridge No. 211·7 Princeton Subdv., B.C.
- 55694. March 15—Refusing to declare the Algoma Central and Hudson Bay Rly. Co. senior at crossing of C.N.R. at Oba, Ont., and requiring additional protection at this crossing.
- 55695. March 16—Requiring the Dept. of Highways and Transportation for Saskatchewan to construct a highway crossing over C.N.R. on road allowance east of SE $\frac{1}{4}$ of Sec. 31, 44, 30, W.3M.
- 55696. March 17—Authorizing the C.P.R. to construct Bridge No. 99·5 over the Illecillewaet river, B.C.
- 55697. March 17—Authorizing the C.P.R. to construct Bridge No. 100·9 Mountain Subdv., B.C.
- 55698. March 17—Amending Order No. 55018 *re* certain improvements to protection at crossings of Victoria and Albert streets by the C.P.R. in Alliston, Ont.
- 55699. March 17—Authorizing the Essex Terminal Railway Co. and the C.N.R. to operate over subway, etc., under Essex Terminal right of way in Windsor, Ont.
- 55700. March 18—Authorizing the R.M. of Bjorkdale No. 426 to construct highway crossing over C.N.R. between Secs. 7 and 8, 45, 11, W.2M.
- 55701. March 18—Authorizing the Dept. of Highways and Transportation for Saskatchewan to construct a highway crossing over the C.N.R. in township 42, 4, W.2M., Sask.
- 55702. March 18—Slightly amending Order No. 54896 *re* C.N.R. crossing at Gormanville road, North Bay, Ont.
- 55703. March 17—Authorizing the Dept. of Northern Development for Ontario to construct a highway crossing over the C.P.R. on Lot 4, Con. 2, township of Bigwood, Ont.
- 55704. March 19—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
- 55705. March 19—Declaring the C.N.R. crossing at mileage 131·1 Fort Frances Subdv. protected to Board's satisfaction.
- 55706. March 21—Approving traffic agreement between the Bell Telephone Co. and commissioners for the telephone system of the municipality of the township of Waterloo.
- 55707. March 21—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
- 55708. March 21—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55709. March 19—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.P.R. under sec. 9.
- 55710. March 19
- 55711. March 21
- 55712. March 21—Approving traffic agreement and supplement to exchange and toll line agreement between the Bell Telephone Co., the Princeton and Drumbo Telephone Co., Ltd., and the Houghton, Bayham and Tillsonburg Telephone Co., Ltd.
- 55713.

55714. March 21—Relieving the C.P.R. from maintaining cattle guards at highway crossings at mileages 62·41 and 64·47 Thessalon Subdv.
55715. March 21—Approving changes to storage tanks, etc., of North Star Oil Co., Ltd., at Emerson, Man., and Culross, Man.
55716. March 21—Approving changes to storage tanks, etc., of North Star Oil Co., Ltd., at Emerson, Man., and Culross, Man.
55717. March 22—Authorizing the C.P.R. to construct highway crossing in Lots 13 and 14, Ranges 5 and 6, township of Boyer, Que., etc.
55718. March 21—Approving changes to storage tanks, etc., of North Star Oil Co., Ltd., at Oak Lake, Man.
55719. March 21—Approving traffic agreement between the Bell Telephone Co. and the Byron Telephone Co., Ltd.
55720. March 22—Authorizing the Corp. of the village of Forest Hill, Ont., to construct highway crossing over C.N.R. on Old Park road.
55721. March 23—Authorizing the Dept. of Highways for Ontario to construct highway crossing over the C.N.R. between Lots 16 and 17, Con. 8, Calder township, Ont.
55722. March 23—Declaring the C.N.R. crossing at mileage 1·35 Thorndale Subdv., protected to Board's satisfaction.
55723. March 24—Declaring the C.P.R. crossing at mileage 92·20 Taber Subdv. protected to Board's satisfaction.
55724. March 24—Authorizing the C.N.R. to construct a temporary spur along certain streets in town of Montreal, East, Que.
55725. March 24—Declaring the Pere Marquette Railway crossing of Wilson avenue, St. Thomas, Ont., protected to Board's satisfaction.
55726. March 24—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Temiscouata Ry., under sec. 9.
55727. March 24—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
55728. March 25—Authorizing the C.N.R. to close as an agency their station at London East, Ont.
55729. March 24—Requiring the Cumberland Railway and Coal Co. to install bell and wigwag at crossing of Highway No. 2 at East Southampton, N.S.
55730. March 24—Approving certain plans showing standard timber trestles to be constructed by the C.N.R.
55731. March 25—Approving traffic agreement between the Bell Telephone Co. and His Majesty the King, represented by Dept. of National Defence.
55732. March 25—Directing the C.N.R. to reconstruct subway at Second Range North Richelieu road, in the parish of St. Joseph, county of Richelieu, Que.
55733. March 24—Requiring the C.N.R. to install two reflectorized crossing signs at crossing of Provincial Highway No. 20 by the N.S. & T. Rly. at mileage 6·77 Welland Subdv.
55734. March 25—Authorizing the Dominion Atlantic Railway Co. to reconstruct the upstream portion of warping pier of swing span of its Bear River bridge, N.S.
55735. March 26—Approving location of oil refinery of Portage Oil Refineries, Ltd., at mileage 53·7 Gladstone Subdv., C.N.R.
55736. March 26—Refusing application of R.M. of Portage la Prairie, Man., for a crossing on the municipal road between lots 78 and 79 (C.P.R.).
55737. March 28—Extending time within which bells and wigwags may be installed at crossing of Broadway avenue, Montreal East, Que., C.N.R.
55738. March 28—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
55739. March 29—Authorizing the C.P.R. to construct a branch line to serve the Robertson & Hackett Sawmill Co. Ltd., Vancouver, B.C.
55740. March 29—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplements to tariffs filed by the C.P.R. Co. under sec. 9.
55741. March 29—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplements to tariffs filed by the C.P.R. Co. under sec. 9.
55742. March 31—Authorizing Commissioner J. A. Stoneman, during the absence of the Chief Commissioner for the week commencing April 4, and in the absence of the Assistant Chief Commissioner and the Deputy Chief Commissioner, to sign regulations, orders, and other documents, and to report to the Board upon any question or matter arising in connection with the business of the Board.
55743. March 29—Authorizing the Montreal and Southern Counties Railway Co. to operate bridges at mileages 42·1 and 34·2 Montreal to Granby Branch, and mileage 0·32 Marieville Junction to Ste. Angele Branch.
55744. March 29—Authorizing the Montreal and Southern Counties Railway Co. to operate bridges at mileages 42·1 and 34·2 Montreal to Granby Branch, and mileage 0·32 Marieville Junction to Ste. Angele Branch.
55745. March 29—Authorizing the Montreal and Southern Counties Railway Co. to operate bridges at mileages 42·1 and 34·2 Montreal to Granby Branch, and mileage 0·32 Marieville Junction to Ste. Angele Branch.

- 55746. March 29—Approving location of new storage tank of Shell Oil Co. of B.C., Kamloops, B.C. (C.P.R.).
- 55747. March 29—Authorizing the Montreal and Southern Counties Railway Co. to operate
- 55748. bridges at mileages 25·3, 22·9, and 21·6 Montreal to Granby Branch.
- 55749.
- 55750. March 30—Requiring the C.N.R. to maintain speed restriction in the operation of its trains between Trenton and Trenton Junction, Ont.
- 55751. March 29—Extending time within which wigwag signal may be installed at mileage 87·61 Grand Falls Subdv. (C.N.R.).
- 55752. March 31—Rescinding Order No. 55115 authorizing subway under C.P.R. near Cowansville, Que., and requiring bell and wigway in lieu thereof.
- 55753. March 31—Authorizing Dept. of Roads, Quebec, to construct subway under C.P.R. at mileage 1·5 Ste. Agathe Subdv., and closing crossing at mileage 1·4 Ste. Agathe Subdv.
- 55754. March 31—Declaring the C.N.R. crossing of Montreuil road, East Windsor, Ont., protected to the Board's satisfaction, subject to provisions of Order No. 53264.
- 55755. March 31—Slightly amending Orders Nos. 53655 and 55393 *re* subway under C.P.R. and substructure for a third track on what was formerly known as James street, Fort William, Ont.
- 55756. March 31—Extending time within which bells and wigwags may be installed under Order No. 55403.
- 55757. March 31—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, toll published in supplement to tariff filed by the Dominion Atlantic Railway Co. under sec. 9.



Transport
**The Board of
 (Railway) Commissioners for Canada**

Judgments, Orders, Regulations, and Rulings

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Application of the Department of Public Works of the Province of British Columbia, for an Order directing the Northern Alberta Railways Company to obtain title, and convey same to the Province, for land required for road diversion in S.W. $\frac{1}{4}$ Section 32, Tp. 77, R. 14, West 6th Meridian, being south boundary of Village of Pouce Coupe, as sanctioned by Item 12 of Order of the Board No. 45341, dated September 5, 1930.

File No. 31574.21

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This matter has come before the Board by virtue of a complaint made by the Department of Public Works of the Province of British Columbia on 4th September, 1936, in which that department states that the Northern Alberta Railways Company agreed with the department for the conveyance of a portion of the Southwest Quarter of Section 32, Township 77, Range 14, West 6th Meridian, in the Province of British Columbia, for the purpose of enabling the department to construct a road diversion immediately adjoining the Village of Pouce Coupe, which is an incorporated village in the Province of British Columbia.

The Southwest Quarter of Section 32 was granted under an agreement by the Soldier Settlement Board to a returned soldier by the name of Thomas Jamieson, under the provisions of The Soldier Settlement Act. On 22nd April, 1930, it is alleged that an agreement was made between the said Jamieson and the Northern Alberta Railways Company for the purchase of 23.43 acres of this land at a price of \$30 per acre. Thereafter the railway company entered into an agreement with the Department of Public Works of the Province of British Columbia to convey to the Province of British Columbia a portion of the above-mentioned land, containing about 2.29 acres, to enable the province to carry out a proposed road diversion, and in consideration of this agreement the provincial authorities agreed to close, and actually did close, the road

allowance then existing over the railway company's property to the north of the station grounds at the Village of Pouce Coupe.

The railway company has never conveyed the above portion of land to the said provincial department, alleging as a reason for its failure to do so, that the said Jamieson now refuses to execute a conveyance of the said land to the railway company. The Director of Soldier Settlement is the registered owner of said land, as agent for the Crown. The Soldier Settlement Board has still a claim against Jamieson in respect of this land of a sum of \$1,636.83. The Soldier Settlement Board is not prepared to release its claim upon that portion of the said land, which Jamieson agreed to sell to the railway company, unless the purchase money is paid to the Board and unless Jamieson will concur in such release and carry out the conveyance of the land to the railway company. Jamieson alleges that the agreement between him and the railway company of 22nd April, 1930, was obtained by unfair means and that he is not bound by it.

For several years negotiations have been taking place between the various parties interested to see if some settlement of this difficulty might not be obtained, but at this date it is evident that there is no prospect of any settlement being reached, and the Board has been asked by the Department of Public Works to make an Order in the matter to compel the railway company to convey the above portion of the Southwest Quarter of Section 32 to that department. In my opinion, the Board has no jurisdiction to make an Order in regard to the matters above set out. It certainly cannot make an Order to compel the Soldier Settlement Board, in which the title of the property still remains, to grant a conveyance of the land until the amount of its unclaimed balance be paid and satisfied. Upon the other hand, Jamieson maintains that the agreement of 22nd April, 1930, was obtained from him by misrepresentation and is not binding upon him.

Even assuming jurisdiction under Section 35 of The Railway Act to consider the agreement between Jamieson and the railway company, the Board, as stated, is without power to make an effective Order against the Director of Soldier Settlement, which would be necessary for the proper fulfilment of the agreement. Any claim the province may have against the railway company would, in my view, be a matter for the courts.

For want of jurisdiction, therefore, this application of the Department of Public Works of the Province of British Columbia must be dismissed.

April 13, 1938.

Commissioners Stoneman and Stone concurred.

ORDER No. 55794

In the matter of the application of the Department of Public Works for the Province of British Columbia, hereinafter called the "Applicant," for an Order directing the Northern Alberta Railways Company to obtain title and convey the same to the Applicant for land required for road diversion in the Southwest Quarter of Section 32, Township 77, Range 14, West 6th Meridian, being the south boundary of the Village of Pouce Coupe, the said diversion having been approved by Item 12 of the Order of the Board No. 45341, dated September 5, 1930.

File No. 31574.21

THURSDAY, the 14th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Victoria, June 10, 1937, and at Edmonton, November 5, 1937, in the presence of Counsel for the Applicant and the Railway Company, and what was alleged—

It is ordered: That the application be, and it is hereby, refused.

H. GUTHRIE,

Chief Commissioner.

Complaint of the Truro, N.S., Board of Trade et al, re lack of morning train service from the territory North of Truro (Oxford Junction-Truro) on the line of the Canadian National Railways.

(File No. 27563.229)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This is an application on behalf of the Board of Trade of Truro, and citizens of Truro, Nova Scotia, for improved train service upon the Canadian National Railways' line between Oxford Junction and Truro.

The application was heard at Truro on 6th April, 1938. His Worship the Mayor of Truro and representatives of the Truro Board of Trade, and a number of citizens, appeared in support of the application. The railway company was represented by counsel and by the General Superintendent of Transportation.

Oxford Junction lies about 46 miles westerly of Truro, and since 3rd January, 1938, the local train service between Oxford Junction and Truro has consisted of a train, No. 318, eastbound, leaving Oxford Junction at 6.50 a.m. and arriving at Truro at 8.30 a.m. Train No. 317, westbound, leaves Truro at 3.25 p.m., and arrives at Oxford Junction at 5.20 p.m. Both of these services are performed by a single diesel car which is operated by two men, and has accommodation for 38 passengers. This train service is only operated during the winter months when the roads become impassable on account of snow conditions. The railway company proposes to discontinue the operation of these local trains on 24th of April next. Prior to the year 1932, a train, No. 296, left Oxford Junction at 6.15 a.m., daily, and arrived at Truro at 8.20 a.m., while another train left Truro in the afternoon, reaching Oxford Junction in the evening. This service was discontinued on 14th April, 1932, with the approval of this Board, upon the ground that the cost of operating

these trains was entirely disproportionate to the revenue obtained. Since 1932 the above trains have not operated over this portion of the railway. In 1934 a winter service was established over this portion of the line, and has been continued each year during the winter months until about 1st May. The applicants desire that this service be continued throughout the whole year, in order to serve the various communities established between Oxford Junction and Truro, so that they may be enabled to reach Truro in the forenoon and return to their homes in the afternoon of the same day. Such a service, it is contended, would facilitate a considerable number of pupils in attendance at the Truro High School and would be of general benefit and convenience to the community in and about Truro.

Between Truro and Oxford Junction there are a considerable number of stations, but only at a few of these, such as Londonderry and Folly Lake, is there any considerable settlement. Londonderry is 17 miles from Truro and Folly Lake 24 miles. The travel upon the train now running between Oxford Junction and Truro cannot be said to be heavy. A count of passengers was taken for the period February 4 to 14 of the present year, and this count shows that the total number of passengers carried during nine days from all stations between Truro and Oxford Junction was 234, and the number of passengers carried between Oxford Junction and Truro was 210. A statement was submitted by the railway company showing the gross earnings of trains Nos. 317 and 318, for a period of 10 weeks from January 8, 1938, to March 21, 1938, to be \$703.27, or an average earning per day of \$11.52. The railway company also submitted a statement of the cost of operation, showing a total cost per day of \$36.26, but in this item is included \$13.63 per day for repairs, which would appear to be rather excessive. However, excluding the item of repairs altogether, the cost of operation would be \$22.63 per day, while the average daily earning is only \$11.52 per day, making a net loss of over \$11 per day in operation, or, approximately, \$3,500 per year without any allowance whatever for repairs.

From the exhibits filed by the Canadian National Railways, it would appear that the cost of operation per mile of the present service between Truro and Oxford Junction is 38.6 cents, the cost per day \$36.26, and the cost per month \$942.76. It is to be noted that all these figures include an item of \$13.63 per day for repairs. However, the total earnings per day by both trains is only \$11.52, or an average of about 15 cents to 20 cents per mile, while the company alleges that it costs 38.6 cents per mile to operate.

It is alleged by the applicants that prior to May, 1932, when the former train service was discontinued, there were 26 students from outside districts attending the Truro schools and colleges, who travelled daily upon this train, but that number has now been greatly reduced through inadequate railway service. It is apparent from the statistics furnished by the railway company that the number of school children travelling by train has fallen off to a marked degree. According to the statement filed, between February 4 and 14, 1938, a period of nine days, the total number of school children carried was only 61, and the total revenue obtained from them was \$3.32. It may be that if a summer train service were established, a greater number of school children would go to Truro by rail than is shown by the figures just above quoted.

Mr. McColough, Chairman of the Transportation Committee of the Truro Board of Trade, who appeared upon this application, and also His Worship Mayor Slackford, emphasized particularly the convenience which the train would afford to pupils attending the Truro schools. They also emphasized that there was a considerable settlement around Londonderry and a number of summer cottagers at Folly Lake, who would use this train service in going

to and from Truro to transact business, and they anticipated also that considerable quantities of milk would likely be carried on such a train. The highways between Oxford Junction and Truro may be described as secondary highways, or country roads. There is no provincial highway running direct between Oxford Junction and Truro. In order to travel upon the provincial highway, it is necessary to detour for considerable distances, which renders highway travel between the above points rather unsatisfactory.

Mr. A. R. Coffin, who publishes a daily newspaper at Truro, supported the application and expressed the opinion that even if a train from Oxford Junction to Truro could not be maintained on account of the operating losses entailed, that a train service should be established from Londonderry and Folly Lake to Truro. He anticipated that considerable business could be done on the railway between these points, but Mr. Coffin would not venture the opinion that the operation of such a train could be made to pay the railway company.

Mr. P. T. Bentley expressed the opinion that the railway company was not giving the territory in question the service to which it was entitled. He considered that the territory surrounding Belmont, Debert, East Mines, Londonderry, Westchester and Oxford Junction could not be satisfactorily serviced by bus as it lay a considerable distance from the main highway and the country roads were not suited to motor bus traffic. This witness did not consider that putting on a train for a few months in the winter afforded a fair test of the railway business to be done. He considered that a train should be operated for a considerable period of time, so that the people in the community might become used to it and patronize it to a greater extent than heretofore.

Mr. Frank Stanfield, a prominent business man of Truro, stated that in his opinion it was very desirable to continue to run this train during the summer season. But, if that could not be done, he insisted that the train be continued for the winter season, because in the winter season there is a great deal of snow throughout this district and some of the roads are not open at all. The witness considered that the winter service should be started 1st November, each year, and continued until 1st May.

Mr. Charles Lewis, who conducts a large manufacturing establishment, was of opinion that if the train service were continued it would carry a large number of his employees who lived at various points outside of the Town of Truro. He advocated that the service should be continued throughout the year and predicted that a large number of employees would utilize the railway in going to their homes, especially for week-ends, returning on Monday. Mr. Lewis thought that at least 100 of his employees living outside of Truro would utilize this train service if it were established throughout the year.

Considerable discussion took place as to the possibility of establishing increased railway traffic by the shipment of milk, but nothing definite was developed in this respect. It would appear at the present time that milk shipments on the line are negligible and very little, if any, express business is offering upon this portion of the line. For the railway company it is contended that the loss in operation is serious, and that the prospect of improvement under present conditions is very remote. The statistical tables filed by the railway company show in a good deal of detail the business which the railway company has been able to carry over this branch and give the passenger traffic into and out of Truro from the various stations throughout the whole distance. I think it is established beyond question that the operation of this train between Oxford Junction and Truro can only be continued at considerable loss to the railway company. I do not think the Board would be justified under the conditions which are apparent in this locality at the present time in ordering

the establishment of a summer train service over this line. I am impressed, however, with the necessity of maintaining a winter service over this portion of the line, and I think the winter service should be commenced not later than 1st December, each year, and should be continued until 1st May. In former years it seems to have been uncertain whether a winter train service would be established or not, and the date upon which the same was established varied each year according to weather conditions. I think it would be better to have a definite date fixed for the establishment of a winter service.

It is to be noted that the withdrawal of trains Nos. 318 and 317 during the summer months will not deprive the territory between Truro and Oxford Junction of all train service. They will still have the Maritime Express leaving Truro daily at 6 p.m., and arriving at Oxford Junction at 7.37 p.m., stopping at all intermediate stations, and leaving Oxford Junction at 2.32 p.m., arriving at Truro at 4.10 p.m., stopping at all intermediate stations. Between Truro and Oxford Junction they will also have the Ocean Limited, leaving Truro daily at 10.20 a.m. and arriving at Oxford Junction at 11.42 a.m., and leaving Oxford Junction daily at 6.27 p.m., reaching Truro at 7.50 p.m., but the Ocean Limited does not stop at intermediate stations.

The application for the establishment of a summer train service should be dismissed, but the Order should provide that a winter train service be established from 1st December and continue until 1st May, during each year, unless otherwise ordered by the Board.

April 14, 1938.

The Deputy Chief Commissioner and Commissioner Stone concurred.

ORDER No. 55797

In the matter of the complaint of the Board of Trade of Truro, in the Province of Nova Scotia, against the lack of morning train service from the territory north of Truro (Oxford Junction-Truro), on the line of the Canadian National Railways.

File No. 27563.229

SATURDAY, the 16th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 G. A. STONE, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Truro, April 6, 1938, in the presence of representatives of the Truro Board of Trade and the Railway Company, and what was alleged—

It is ordered: That the application for the establishment of a summer train service be refused; but that the Canadian National Railways be, and they are hereby, required to maintain a train service between Oxford Junction and Truro, Nova Scotia, from the 1st day of December until the 1st day of May in each year, unless otherwise ordered by the Board.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55771

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 7th day of April, A.D. 1938.

J. A. STONEMAN, *Commissioner.*

The Board Orders:

1. That the tolls published in items 3900, 3905, 3910, and 3925A of Supplement No. 10 to Tariff C.R.C. No. E-4829, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 3900, 3905, 3910, and 3925A of Supplement No. 10 to Tariff C.R.C. No. E-4829, approved herein are as follows:—

Item	To	Cents per 100 pounds Minimum weights			
		24,000 lbs.	30,000 lbs.	40,000 lbs.	60,000 lbs.
3925A	Edmundston, N.B...	29½	..	..	27
	Fredericton, N.B...	14½	..	..	..
	Grand Falls, N.B...	..	29	..	..
	Perth Junction, N.B...	..	22½	..	..
	Woodstock, N.B...	..	..	20	..
		30,000 lbs.	40,000 lbs.	60,000 lbs.	80,000 lbs.
3900	Belleville, Ont...	..	39	34	31½
	Brantford, Ont...	..	35	..	32½
	Brockville, Ont...	39	..	33	31
	Chatham, Ont...	..	..	40½	..
	Chesterville, Ont...	40	..	..	..
	Cornwall, Ont...	32	..	..	31
	Drummondville, Que...	39½	..	..	..
	Fort William, Ont...	..	..	39	37
	Garthby, Que...	..	35½	..	..
	Grand'Mere, Que...	33½	..	..	..
	Guelph, Ont...	..	34½	..	..
	Hamilton, Ont...	..	..	33	31
	Kingston, Ont...	..	..	32½	30½
	Kitchener, Ont...	..	35	..	..
3905	Levis, Que...	..	..	30½	27
	Lindsay, Ont...	..	..	36½	..
	Listowel, Ont...	..	41	..	..
	London, Ont...	..	..	33½	31
	Magog, Que...	37½	..	..	..
	Megantic, Que...	41	..	..	..
	Montreal, Que...	..	..	30½	25
	Niagara Falls, Ont...	..	35½	33	..
	Orillia, Ont...	..	36½	..	..
	Oshawa, Ont...	..	35	33½	31
	Ottawa, Ont...	..	..	33	31
	Owen Sound, Ont...	..	38½	36½	..
	Parry Sound, Ont...	..	49	..	..
	Pembroke, Ont...	44	..	..	..
	Perth, Ont...	42½	..	..	..
	Peterboro, Ont...	..	35½	..	..
	Port Arthur, Ont...	..	..	39	37
	Quebec, Que...	..	..	30½	27

Item	To	Cents per 100 pounds			
		30,000	Minimum weights		
		lbs.	40,000	60,000	80,000
3910	St. Catharines, Ont...	..	35½	33	..
	St. Evariste, Que...	..	36½	..	..
	St. Thomas, Ont...	..	39½	..	..
	Sarnia, Ont...	..	43	36½	34
	Sault Ste. Marie, Ont...	58½	..	36	34
	Shawinigan, Que...	33½	..	..	..
	Sherbrooke, Que...	38½	..	..	..
	Simcoe, Ont...	..	38	..	33½
	Smiths Falls, Ont...	41	..	..	..
	Thetford Mines, Que...	44½	35½	..	..
	Thorold, Ont...	..	..	33	31
	Toronto, Ont...	..	..	33½	31
	Trois Rivières, Que...	..	32	31	26
	Tweed, Ont...	..	44	..	..
	West Fort William, Ont...	..	..	39	37
	Windsor, Ont...	..	43	36½	34

J. A. STONEMAN,
Commissioner.

ORDER No. 55773

In the matter of the application of G. C. Ransom, agent on behalf of carriers, for permission to publish on less than statutory notice a rate of 19½ cents per hundred pounds on salt, common, carloads, minimum 30,000 pounds per car, from salt producing stations in Ontario to Fort William, Port Arthur, and West Fort William, Ontario, and to ports of call on Lake Huron and Georgian Bay via rail-and-water routes.

File No. 27612.173

FRIDAY, the 8th day of April, A.D., 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

WHEREAS Canadian Freight Association Tariff C.R.C. No. 992, in effect during the 1937 season of navigation, published a rate of 17½ cents per hundred pounds on salt, in carloads, minimum weight 30,000 pounds, from Courtright, Goderich, Sandwich, Sarnia, Watford, and Windsor, Ontario, to Fort William, Port Arthur, and West Fort William, Ontario, and to ports of call on Lake Huron and Georgian Bay via rail-and-water routes, which is stated to have been the rate published between the same points by the all-water carriers;

AND WHEREAS it is stated in the application that this season the water lines propose to publish a rate of 19½ cents per hundred pounds on this traffic, effective April 15, 1938, upon the opening of navigation; that the rail lines wish to meet this situation but cannot make the 19½-cent rate effective April 15 without authority from the Board;

AND WHEREAS it is stated in the application that unless the rail-and-water carriers are permitted to publish the 19½-cent rate to become effective on April 15 the water lines will be required to maintain the 17½-cent rate for at least thirty days, or until the rail-and-water lines can legally publish and make effective the 19½-cent rate—

It is Ordered: That Canadian Freight Association Tariff C.R.C. No. 992 may be amended by the issuance of a supplement thereto, effective April 15, 1938, publishing a rate of 19½ cents per hundred pounds on salt, common, carloads, minimum weight 30,000 pounds per car, from and to the points herebefore mentioned.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55777

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 8th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in Supplement No. 14 to Tariff C.R.C. No. E-4645, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 14 to Tariff C.R.C. No. E-4645, approved herein, are as follows:—

Item		Cents per 100 pounds
140E		6½
170G	To	
	Clara Belle, Ont...	41½
	Copper Cliff, Ont...	41½
	Drummondville, Que...	26½
	Edmundston, N.B...	24
	Farnham, Que...	27
	Joliette, Que...	32
	Kingston, Ont...	32½
	Montreal, Que...	27½
	Ottawa, Ont...	27
	St. Hyacinthe, Que...	26½
	St. George, N.B...	25½
	St. Johns, Que...	26½
	Sherbrooke, Que...	27½
	Toronto, Ont...	33
	Valleyfield, Que...	29½

One and one-half cents per 100 pounds to be deducted account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55778

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 8th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in Tariff C.R.C. No. 1069, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1069, approved herein, are as follows:—

	Cents per 100 pounds				
	To				
	Church Point				
	Weymouth				
	Belliveau, N.S.				
	Sissiboo Falls				
	Plympton, N.S.				
	North Range N.S.				
	Meteghan, N.S.	Little Brook, N.S.			
Cement	16½	18	19½	22	24
Iron and steel					
Lime					
Paper					
Salt					
Soap	19½	24	25	27½	29
Sugar					
Canned goods					
Dried fruit					
Lard					
Lead sheet	19½	24	25	27½	29
Molasses					
Onions					
Roofing					
Shortening					
Zinc, plate or sheet					

Normal minimum charge for any single shipment of less than carload freight will be that for 100 pounds at the rates applicable thereto, but not less than 50 cents.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55786

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 11th day of April A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board Orders:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 43 to Tariff C.R.C. No. E-1238
Supplement 41 to Tariff C.R.C. No. E-1258
Supplement 51 to Tariff C.R.C. No. E-1829
Supplement 52 to Tariff C.R.C. No. E-1829
Supplement 12 to Tariff C.R.C. No. E-2474
Tariff C.R.C. No. E-2767

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55789

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 12th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.**The Board Orders:*

1. That the tolls published in Tariff C.R.C. No. 1071, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1071, approved herein, are as follows:—

Item	Cents per 100 pounds
1	33
2 To Montreal, Que.	33
Toronto, Ont.	34
3 From Halifax, N.S.	43
Yarmouth, N.S.	43½
4 To Guelph, Ont.	45½
Simcoe, Ont.	45
Toronto, Ont.	40
5 Halifax, N.S., rates covered by previous order or orders.	

One and one-half cents per 100 pounds to be deducted account of water haul.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55790

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant Company," for permission to file on less than statutory notice a supplement to its Tariff C.R.C. No. E-4803 cancelling seasonal rate on newsprint paper, carloads, from Grand'Mere and Shawinigan Falls, Quebec, to Philadelphia, Pennsylvania.

File No. 27612.174

WEDNESDAY, the 13th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

WHEREAS the Applicant Company published a seasonal rate on newsprint paper, carloads, from Grand'Mere and Shawinigan Falls, Quebec, to Philadelphia, Pennsylvania, to be effective during the open season of navigation from May 1 to November 30, inclusive, of each year, to meet motor truck and water competition, which rate was published as a result of agreement with shippers;

AND WHEREAS it is stated in the application that this reduced rate is not now necessary, as the shipper for whom published is not now interested in

movement to Philadelphia, and it is desired to withdraw same, effective not later than April 30, 1938—

It is Ordered: That the Applicant Company be, and it is hereby, granted leave to file on ten days' notice a supplement to its Tariff C.R.C. No. E-4803 cancelling seasonal rate on newsprint paper, carloads, from Grand 'Mere and Shawinigan Falls, Quebec, to Philadelphia, Pennsylvania.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55795

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 14th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in Tariff C.R.C. No. 1073, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1073, approved herein, are as follows:—

Miles	Cents per 100 pounds	Miles	Cents per 100 pounds
5..	5½	65..	16
10..	6½	80..	17½
15..	9½	100..	18½
20..	11½	125..	21½
30..	12½	150..	24
40..	14	175..	25
45..	14½	200..	26
50..	15		

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 570

In the matter of General Order No. 569, dated March 15, 1938, permitting increases in rates and charges in freight tariffs filed with the Board covering traffic between points in Canada and points in the United States; between points in the United States through Canada; and import and export traffic between Canadian and United States ports and stations in Canada and the United States.

File No. 39422

FRIDAY, the 25th day of March, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon its appearing that, in the preparation of tariff schedules giving effect to the provisions of the Order of the Interstate Commerce Commission, dated March 8, 1938, in Ex Parte No. 123, and the permission granted by General Order No. 569, with respect to tariffs as above described, a number of clerical and typographical errors were made, and that the Interstate Commerce Commission has extended authority for the publication and filing of tariff schedules correcting such errors, effective not earlier than March 28, 1938, upon not less than one day's notice, provided such schedules correcting the errors are published and filed not later than April 28, 1938, upon which date the authority to make such corrections on one day's notice expires—

It is Ordered: That tariff schedules covering traffic between points in Canada and points in the United States; between points in the United States through Canada; and import and export traffic between Canadian and United States ports and stations in Canada and the United States, may be amended for the purpose of correcting clerical or typographical errors therein by the publication and filing with the Board of schedules making such corrections effective not earlier than March 28, 1938, upon not less than one day's notice after the filing thereof with the Board: Provided that this authority does not extend to tariff schedules filed after April 28, 1938, upon which date the authority to make such corrections on one day's notice expires.

H. GUTHRIE,

Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF RAILWAY COMMISSIONERS, FEBRUARY, 1938

Railway accidents.. . . . 81 with 7 killed and 82 injured
 Railway accidents at highway crossings.. . . . 19 with 4 killed and 26 injured

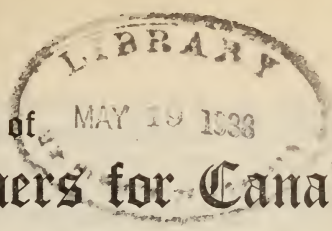
	Killed	Injured
Passengers.. . . .	..	12
Employees.. . . .	3	62
Others.. . . .	8	34
	<hr/> 11	<hr/> 108

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents	K.	I.		NOVA SCOTIA
1	1	..	1	Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence N.S. 32-325.
NEW BRUNSWICK				
1	..	1	1	Automobile—Auto driver failed to observe bell and light signal; drove onto crossing in front of approaching train and was struck. Licence Maine H-116.
1	..	2	2	Automobile—Auto skidded onto crossing in front of approaching train and was struck. N.B. 18-264.
1	1	..	1	Pedestrian—Pedestrian walking over crossing, struck by train.
QUEBEC				
1	..	3	3	Automobile—Auto driver failed to stop for crossing; ran into side of moving train. Que. 87674.
ONTARIO				
1	..	1	1	Automobile—Auto drove onto crossing in front of cars which were being switched and was struck. Licence Ont. 21-H-3.
1	..	3	3	Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence Ont. 161-X-1.
1	..	1	1	Automobile—Auto ran into side of train. Licence Ont. 36-R-71.
1	..	1	1	Auto Truck—Auto truck drove onto crossing in front of approaching train and was struck. Ont. 21038-C.
1	..	1	1	Automobile—Auto driver failed to see stop signs being given by Conductor; auto struck by train. Licence Ont. 187-F-8.
1	..	2	2	Auto Truck—Truck driver disregarded bell and wigwag signals; drove onto crossing in front of approaching train and was struck. Licence Ont. 64841-C.
1	2	2	2	Automobile—Auto drove onto crossing in front of approaching train and was struck. Ont. 58-T-58.
1	..	1	1	Pedestrian—Pedestrian walked under gates in lowered position and was struck by engine.
1	..	1	1	Pedestrian—Pedestrian disregarded bell and wigwag signals and stood on track on crossing and was struck by train.
1	..	1	1	Automobile—Auto drove on to crossing in front of approaching train and was struck. Ont. 3-L-736.
ALBERTA				
1	..	1	1	Automobile—Auto drove onto crossing in front of approaching train and was struck. Alta. 25-574.
1	..	2	2	Auto Truck—Truck drove onto crossing in front of approaching train and was struck. Alta. D-12-338.
BRITISH COLUMBIA				
1	..	2	2	Automobile—Auto ran into side of train. Licence B.C. 42-209.
1	..	1	1	Auto Truck—Auto truck drove onto crossing in front of approaching train and was struck. B.C. C-362.

Of the 19 accidents at highway crossings, 14 occurred at unprotected crossings and 5 at protected crossings.

Ten of the accidents occurred after sunrise, and 9 after sunset.
 April 8th, 1938.



The Board of
Railway Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXVIII	Ottawa, May 15, 1938	No. 4
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Complaint of Madame F. X. St. Jean, Montreal, Quebec, against the application of the Canadian National Railways to construct proposed siding to serve the General Steel Wares Limited, near Vinet Street, in the City of Montreal.

(File No. 26792.26)

JUDGMENT

GUTHRIE, Chief Commissioner:

This is an application by the Canadian National Railways to cross Vinet Street, in the City of Montreal, with a siding to serve the General Steel Wares Limited, as shown on plan S.T.-73 filed with the application. The application is opposed by the City of Montreal, and also by Madame F. X. St. Jean of Montreal, who is the owner of property in the immediate vicinity of the proposed siding.

The application was heard in the City of Montreal on April 4, 1938, in the presence of counsel for the applicants and for the General Steel Wares Limited. The City of Montreal and Madame St. Jean were also represented by counsel, who opposed the application. After hearing all the evidence submitted and what was alleged by counsel for the various parties, the Board inspected the proposed crossing of Vinet Street and had an opportunity of making an examination of the situation as it exists upon the ground. Vinet Street is a busy thoroughfare in the City of Montreal, lying a few blocks easterly from Bonaventure Station. Vinet Street is already crossed by four tracks of the Canadian National Railways, which carries the east and west traffic to and from Bonaventure Station. The crossing is at present protected by gates on either side which are operated by a watchman in a tower situated immediately at the crossing. The gates are kept operating throughout the whole course of 24 hours per day.

There are a number of schools and churches in the vicinity of the Vinet Street crossing, and it may be said that there is heavy traffic over this crossing both pedestrian and vehicular. The City of Montreal caused a traffic count to be taken at this crossing which shows that on Friday, January 14, 1938, between 8.00 a.m. and 9.00 a.m., 335 children and 195 adults crossed the railway at this point, also 4 bicycles. During this hour 24 trains on applicants' railway also passed over the crossing. Upon the same date, between 4.00 p.m. and 5.00 p.m., 651

pedestrians, and 8 trains crossed Vinet Street. Upon the same date, between 5.00 p.m. and 6.00 p.m., 502 pedestrians and 15 trains passed over the crossing.

A traffic count for the 15th of January, shows that between 8.00 a.m. and 9.00 a.m., there were 246 pedestrians and 25 trains, and between 4.00 p.m. and 5.00 p.m., 322 pedestrians and 6 trains. Also between 5.00 p.m. and 6.00 p.m. there were 342 pedestrians and 8 trains. There was a total traffic over the crossing on 15th of January of 3,114 pedestrians and 136 trains.

A traffic count taken for Monday, January 17, shows a total pedestrian traffic of 3,792 and also 1,421 vehicles, while 113 trains passed over the crossing. These figures clearly indicate that the traffic over this crossing is heavy, while train movements are frequent.

The present protection at the crossing by gates and watchmen seems to have proved fairly adequate in the past. Only one accident of a serious nature happened at the crossing as disclosed in evidence. Some three or four years ago a young lad was seriously injured by a train at this crossing. It was alleged at the hearing that the chief danger at the crossing at the present time is in respect of the large number of school children who use the crossing in going to and returning from school. It seems, even when the gates are lowered at the crossing, children will endeavour to go under the gates and pass over the crossing notwithstanding many warnings which have been given.

On behalf of the city of Montreal it was strongly urged that the construction of another siding for switching purposes at this crossing would materially increase the danger to pedestrians utilizing the crossing. It was contended that the construction of another siding would increase the width of the crossing by 15 feet, and that this increased width would tend to make the crossing more dangerous than it is at the present time. Counsel for the city of Montreal based his objection to the application very largely upon the question of increased danger at the crossing, if such siding were constructed.

Madame St. Jean is a property owner. Her property consists of a tavern, a barber shop, and dwelling, on the corner of Vinet and Albert Streets. Her contention is that the construction of another switch will damage her property by reason of subjecting it to greater noise, smoke, vibration, etc., than is now caused by the railway at this point. Madame St. Jean's property is within about 40 feet of the present tracks of the applicants' railway and if a new siding is constructed it will bring the tracks to approximately 25 feet from the rear of her property. All the land between Madame St. Jean's property and the railway right of way on the south side is now owned by the General Steel Wares Limited. This particular piece of property lies on the west side of Vinet street. On the east side of Vinet street, running from the railway track south is erected the shops and factory premises of the General Steel Wares Limited, which is a large industrial establishment. Madame St. Jean appears to be apprehensive that eventually General Steel Wares Limited will construct other buildings between the rear of her property and the railway on the west side of Vinet street and, as stated by her counsel, her property will be entirely surrounded by the buildings and works of General Steel Wares Limited. Madame St. Jean claims that the construction of another switch will damage both the selling and renting value of her property through increased railway operation over the proposed siding.

At the present time, General Steel Wares Limited has a freight siding immediately adjoining its property upon the east side of Vinet street. This siding stops at the east boundary of Vinet street, and does not cross the street. The siding is limited in extent and will only permit of the placing of two freight cars at a time, and it would be difficult and expensive to increase the length of the siding on the east side of Vinet Street because it would involve the tearing down and removal of part of the factory premises of the General Steel Wares Limited. Without the demolition of part of this valuable factory building, the

siding on the east side of Vinet Street cannot be enlarged. It is, therefore, proposed in the present application to construct a siding over the property owned by the General Steel Wares Limited, on the west side of Vinet street, across Vinet street, and carry it through to the factory premises on the east side of the street. The object of the new siding is to enable the General Steel Wares Limited to load or unload at least four cars at a time close beside its factory, whereas at the present time only two cars can be accommodated upon the present siding. The records of car shipments of the General Steel Wares Limited show that it utilizes about 400 cars per annum. The company alleges that its business is increasing and that in the future it will require greater shipping facilities by rail. For this reason, the construction of the proposed switch has become a practical necessity in connection with its business.

Applicants through their counsel submitted that they would be prepared to accept any reasonable restriction upon the switching of cars upon the proposed switch, in order to obviate as far as possible any danger which might be attendant thereupon. Counsel for the applicants stated that there would not be more than two or three switches per day over Vinet Street, and that these might be arranged at hours of the day when school children are not likely to be crossing the railway at this point.

The construction of the switch across the property of General Steel Wares Limited, west of Vinet street and across Vinet street to the east side, would involve the widening of the present crossing on the south side, approximately, 15 feet, and the present gates would have to be removed and reconstructed in order to protect the new siding. During the hearing it was developed on behalf of the applicants that the situation at this crossing at Vinet street, in the city of Montreal, is no more dangerous than the situation existing at many other crossings in congested districts of Montreal, where school children have to cross the tracks and where there are just as many train movements over the crossings as there are at Vinet street. Reasonable efforts have hitherto been taken to protect these crossings as far as it was possible so to do. At some of the other crossings many more tracks have to be crossed by school children and others than are to be found at Vinet street. In my opinion, the construction of the proposed freight siding will not increase the danger at Vinet street crossing to any appreciable extent. I think with gates and watchman the crossing will be reasonably protected and, if the switching movements across the street are confined to such hours of the day when school children do not usually cross the tracks, I think the matter should be so arranged. I do not consider that the construction and operation of this switch will cause any damage to the property of Madame St. Jean. In my opinion Madame St. Jean's real apprehension is that the works and operations of the General Steel Wares Limited may eventually prove injurious to her property. Should such prove to be the case, Madame St. Jean's remedy would be through the Civil Courts of the province of Quebec. This Board has no jurisdiction to adjudicate upon such a question. The construction of the proposed siding will not prove any damage to the property of Madame St. Jean.

For the above reasons, I am of opinion that an order should be made authorizing the construction of the siding in accordance with the plan filed upon the application. A condition should be imposed upon the applicants that no switching movements shall take place over this crossing between the hours of 8.00 a.m. and 5.00 p.m., each day. With this restriction I think any increased danger to school children by reason of the construction of this switch will be obviated. All switching movements over Vinet street, will, of course, be subject to all other rules and conditions heretofore imposed by this Board. An order will be made accordingly.

April 13th, 1938.

The Deputy Chief Commissioner and Commissioner Stone concurred.

TRADUCTION

Plainte de madame F.-X. St-Jean de Montréal, P.Q., au sujet de la requête du chemin de fer National-Canadien relative à la construction projetée d'une voie d'évitement pour desservir la General Steel Wares Limited, près de la rue Vinet, dans la Cité de Montréal.

(Dossier N° 26792.26)

JUGEMENT

GUTHRIE, *Commissaire en chef*: —

Il s'agit ici d'une requête du chemin de fer National-Canadien pour obtenir la permission de construire une voie d'évitement à travers la rue Vinet, dans la Cité de Montréal, pour desservir la *General Steel Wares Limited*, comme l'indique le plan S.T.-73 versé au dossier de la Commission. La Cité de Montréal s'oppose à cette requête, de même que madame F.-X. St-Jean, de Montréal, qui est propriétaire d'un immeuble dans le voisinage immédiat de la voie projetée.

La requête fut entendue à Montréal, le 4 avril 1938 en présence des avocats du requérant et de la *General Steel Wares Limited*. La Cité de Montréal et madame St-Jean étaient représentées par des procureurs qui s'opposèrent à la requête. Après audition de toute la preuve et des plaidoyers présentés par les procureurs des diverses parties intéressées, la Commission fit une inspection du croisement projeté à la rue Vinet et eut l'avantage de faire un examen des lieux. La rue Vinet est une voie publique où la circulation est intense, située à quelques rues à l'est de la gare Bonaventure. Elle est déjà croisée par quatre voies du chemin de fer National-Canadien, sur lesquelles circule le trafic venant de l'est et de l'ouest à destination et en provenance de la gare Bonaventure. Actuellement, le passage est protégé par des barrières, de chaque côté, mises en opération par un gardien qui se tient dans une tour située à côté du passage. Les barrières sont en opération durant 24 heures par jour.

Il y a des écoles et des églises dans le voisinage du passage de la rue Vinet, et l'on peut dire que la circulation tant des piétons que des véhicules est considérable sur ce passage. La Cité de Montréal a fait faire un relevé de la circulation à ce passage, lequel indique que le vendredi 14 janvier 1938, entre 8 et 9 heures du matin, 335 enfants et 195 adultes ont traversé la voie ferrée à cet endroit, de même que 4 bicyclettes. Durant cette période, 24 trains de la compagnie requérante ont aussi croisé le passage. A la même date, entre 4 et 5 heures de l'après-midi, 651 piétons et 8 trains ont traversé la rue Vinet, et encore à la même date, entre 5 et 6 heures de l'après-midi, 502 piétons et 15 trains ont croisé le passage.

Un relevé de la circulation fait le 15 janvier indique qu'entre 8 et 9 heures de l'avant-midi il y a eu 246 piétons et 25 trains, et qu'entre 4 et 5 heures de l'après-midi il y a eu 322 piétons et 6 trains. Entre 5 et 6 heures de l'après-midi, il y a eu aussi 342 piétons et 8 trains. Il y a donc eu le 15 janvier un total de 3,114 piétons et 136 trains qui ont franchi ce passage.

Un relevé de la circulation fait le lundi, 17 janvier, indique que le nombre total des piétons a été de 3,792, et celui des véhicules de 1,481, tandis que le nombre de trains qui sont passés sur ce passage a été de 113. Ces chiffres indiquent clairement que le trafic sur ce passage est considérable et que les trains qui y passent sont fréquents.

La protection actuelle de ce passage au moyen de barrières et de gardiens semble avoir été suffisante dans le passé. Il n'y eut qu'un seul accident d'un caractère sérieux à ce passage selon la preuve. Il y a trois ou quatre ans, un jeune homme fut sérieusement blessé par un train à cet endroit. On a allégué à

l'audition que la principale source de danger à ce passage, actuellement, est due au fait qu'un grand nombre d'écoliers s'en servent pour aller à l'école et en revenir. Il semble, même lorsque les barrières sont baissées, que les enfants essayent d'y passer en dessous pour traverser le passage en dépit des nombreux avertissements qui leur ont été donnés.

On a fortement représenté au nom de la Cité de Montréal que la construction d'une autre voie d'évitement pour fins d'aiguillage à cet endroit augmenterait considérablement le danger pour les piétons qui se servent de ce passage. On a prétendu que la construction d'une autre voie d'évitement élargirait le passage de 15 pieds et que cet élargissement aurait pour effet de rendre le passage plus dangereux qu'il ne l'est à présent. L'avocat de la Cité de Montréal a basé son objection principalement sur la question de l'augmentation du danger à ce passage si une telle voie était construite.

Madame St-Jean est propriétaire d'un immeuble qui comprend une taverne, un salon de barbier, et un logement, et qui est situé à l'angle des rues Vinet et Albert. Elle prétend que la construction d'une autre voie d'aiguillage endommagera sa propriété à cause du fait qu'elle subira plus de bruit, de fumée, de vibration, etc., qu'elle n'en subit actuellement par la présence du chemin de fer à cet endroit. La propriété de madame St-Jean se trouve à environ 40 pieds des voies actuelles de la compagnie requérante, et si l'on construisait une autre voie d'évitement, l'arrière de sa propriété se trouverait à environ 25 pieds des voies ferrées. Tout le terrain entre la propriété de madame St-Jean et l'emprise du chemin de fer, du côté sud, appartient actuellement à la *General Steel Wares Limited*. Ce morceau de terrain se trouve du côté ouest de la rue Vinet. Du côté est de ladite rue allant de la voie ferrée vers le sud, se trouvent les usines et les bâtisses de la *General Steel Wares Limited* qui constitue un établissement industriel considérable. Madame St-Jean semble craindre que dans la suite la *General Steel Wares Limited* ne construise d'autres bâtisses entre l'arrière de sa propriété et le chemin de fer, du côté ouest de la rue Vinet, et que, comme l'a dit son avocat, sa propriété ne se trouve entièrement entourée de bâtisses et autres constructions de la *General Steel Wares Limited*. Madame St-Jean prétend que la construction d'une autre voie d'aiguillage nuira tant à la valeur de vente qu'à celle du loyer de sa propriété à cause de l'augmentation des opérations ferroviaires sur la voie d'évitement projetée.

Actuellement, la *General Steel Wares Limited* a une voie industrielle qui se trouve juste à côté de sa propriété du côté est de la rue Vinet. Cette voie se termine à la limite est de la rue Vinet et ne traverse pas la rue. Cette voie d'évitement est restreinte quant à sa longueur et on ne peut y placer que deux wagons de marchandises à la fois, et il serait difficile et coûteux de l'allonger du côté est de la rue Vinet parce que cela impliquerait la démolition et l'enlèvement d'une partie de la bâtisse de la *General Steel Wares Limited*. Sans la démolition d'une partie de cette manufacture de valeur, la voie d'évitement du côté est de la rue Vinet ne peut pas être prolongée. On projette donc par la présente requête de construire une voie d'évitement sur la propriété de la *General Steel Wares Limited*, du côté ouest et à travers la rue Vinet, et de la prolonger jusqu'à la manufacture qui se trouve du côté est de la rue. Cette voie a pour but de permettre à la *General Steel Wares Limited* de charger et décharger au moins quatre wagons à la fois tout près de sa manufacture, tandis qu'à présent elle ne peut placer que deux wagons sur la voie d'évitement actuelle. Les relevés des expéditions par wagons de la *General Steel Wares Limited* indiquent qu'elle utilise 400 wagons par année. La compagnie allègue que ses affaires augmentent et que plus tard elle aura besoin de plus grandes facilités de transport par rail. Pour cette raison, la construction de la voie d'aiguillage projetée est devenue une nécessité pratique en rapport avec ses affaires.

La compagnie requérante a soumis par son procureur qu'elle serait prête à accepter toutes restrictions raisonnables concernant le mouvement des wagons sur la voie d'aiguillage projetée pour prévenir autant que possible tout danger

qui pourrait survenir à cet endroit. L'avocat de la compagnie requérante a déclaré qu'il n'y aurait pas plus de deux ou trois mouvements d'aiguillage par jour à la rue Vinet et que ceux-ci pourraient se faire à des heures du jour où les enfants d'école n'auront probablement pas à traverser la voie ferrée à cet endroit.

La construction de la voie d'aiguillage sur la propriété de la *General Steel Wares Limited*, du côté ouest de la rue Vinet, et à travers celle-ci et du côté est, comporterait l'élargissement du passage actuel, du côté sud, d'environ 15 pieds, et les barrières actuelles devraient être enlevées et réinstallées pour protéger la nouvelle voie d'évitement. Au cours de l'audition, la compagnie requérante a soulevé le point que le passage de la rue Vinet, dans la Cité de Montréal, n'offre pas plus de danger qu'à plusieurs autres passages situés dans les districts où la circulation est intense et où les enfants d'école ont à traverser les voies ferrées et où il y a autant de trains qui circulent que sur le passage de la rue Vinet. On s'est raisonnablement efforcé jusqu'à présent de protéger ces passages autant qu'il était possible de le faire. Les enfants d'école ainsi que d'autres personnes ont à traverser à certains endroits beaucoup plus de voies que l'on en trouve à la rue Vinet. A mon avis, la construction de la voie industrielle projetée n'augmentera pas pour la peine le danger existant au passage de la rue Vinet. Je crois qu'avec des barrières et des gardiens, le passage se trouvera raisonnablement protégé, et si les mouvements d'aiguillage se font à des heures où les enfants d'école ne traversent pas ordinairement les voies, je crois que cet arrangement donnera satisfaction. Je ne considère pas que la construction et l'opération de cette voie d'aiguillage causeront des dommages à la propriété de madame St-Jean. A mon avis, ce que, en réalité, madame St-Jean craint, c'est que les constructions et les opérations de la *General Steel Wares Limited* puissent éventuellement endommager sa propriété. S'il en était ainsi, madame St-Jean pourrait alors avoir recours aux tribunaux civils de la province de Québec. La Commission n'a pas juridiction pour juger d'une telle question. La construction de la voie d'évitement projetée ne causera pas de dommages à la propriété de madame St-Jean.

Pour les raisons ci-dessus, je suis d'avis qu'une ordonnance devrait être rendue autorisant la construction de la voie d'évitement conformément au plan produit avec la requête. On devrait imposer à la compagnie requérante une condition à l'effet que les mouvements d'aiguillage ne devront pas se faire sur ce passage entre 8 heures du matin et 5 heures de l'après-midi, tous les jours. Je crois qu'avec cette restriction, tout danger additionnel pour les enfants d'école en raison de telle construction sera éliminé. Tous les mouvements d'aiguillage sur la rue Vinet devront être, il va sans dire, sujets à tous autres règlements et conditions jusqu'ici imposés par la Commission. Une ordonnance sera rendue en conséquence.

Le 13 avril 1938.

Le Commissaire en chef suppléant et le Commissaire Stone se sont ralliés au jugement ci-dessus.

ORDER No. 55805

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," under Section 256 of the Railway Act, for authority to cross Vinet Street, in the City of Montreal, Province of Quebec, with a siding to serve the General Steel Wares, Limited, as shown on plan, profile, and book of reference combined No. T-73, dated December 3, 1937, on file with the Board under file No. 26792.26;

And in the matter of the complaint of Madame F. X. St. Jean, of Montreal, against the proposed construction of the said siding.

File No. 26792.26

SATURDAY, the 16th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Montreal, January 12, 1938, and April 4, 1938, in the presence of Counsel for the Complainant, the City of Montreal, the Applicants, and General Steel Wares, Limited, and what was alleged; and upon an examination by the Board of the locus in quo, and the report and recommendation of the Chief Engineer of the Board—

It is ordered: That the Applicants be, and they are hereby, authorized to construct the said siding across Vinet Street, in the City of Montreal, Province of Quebec, as shown on the said plan, profile, and book of reference combined on file with the Board under file No. 26792.26, and subject to and in accordance with the Standard Regulations of the Board Affecting Highway Crossings; and subject to the further condition that no switching movements take place over such crossing between the hours of 8.00 a.m. and 5.00 p.m. daily.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55803

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 19th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 67 to Tariff C.R.C. No. E-1244

Supplement 4 to Tariff C.R.C. No. E-2437

Tariff C.R.C. No. E-2769

Tariff C.R.C. No. E-2772

Tariff C.R.C. No. E-2774

Tariff C.R.C. No. E-2775

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55808

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 21st day of April, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 1068, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1068, approved herein, are as follows:—

		Section 1			
		Cents per 100 pounds			
		A	B	C	D
Bars	}				
Beans					
Cement					
Lead					
Lime					
Meats					
Nails					
Netting					
Oil					
Paint					
Paper		22	25	25	29
Putty					
Roofing					
Salt					
Shingles					
Spikes					
Soap					
Staples					
Sugar					
Zinc					
Grain					
Meal	}	19½	25	25	27½
Canned goods					
Lard	}	29	34½	34½	36½
Onions					
Shortening	}	32	41½	41½	43
Fruits, dried		40	45½	47	52½
Fruits, fresh .....		....	....	....	36½
Petroleum products					
Molasses—					
Per barrel		1.00	1.50	1.25	2.00
Per tierce		2.00	2.75	2.50	3.50
Per puncheon		3.00	3.75	3.50	4.50
Item		Section 2			
1 To		Cents per 100 pounds			
Wolfville, N.S.		12			
Bridgetown, N.S.		18½			
2		22½			

Normal minimum charge for any single shipment of less than carload freight will be that for 100 pounds at rates applicable thereto, but not less than 50 cents.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55810

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 22nd day of April, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 40 of Supplement No. 44 to Tariff C.R.C. No. E-4322, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 40 of Supplement No. 44 to Tariff C.R.C. No. E-4322, approved herein, is 5 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55811

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

FRIDAY, the 22nd day of April, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 890 of Tariff C.R.C. No. E-2762, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Cumberland Railway & Coal Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Cumberland Railway & Coal Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 890 of Tariff C.R.C. No. E-2762, approved herein, are as follows:—

Item	Cents per 100 pounds	
	Billed	Normal
890.	5	6

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55812

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

FRIDAY, the 22nd day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 850 and 880 of Tariff C.R.C. No. E-2762, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 850 and 880 of Tariff C.R.C. No. E-2762, approved herein, are as follows:—

Item	Cents per 100 pounds	
	Billed	Normal
850	10	12½
880	10	12½

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55813

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

FRIDAY, the 22nd day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 570 and 870 of Tariff C.R.C. No. E-2762, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Canada & Gulf Terminal Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Canada & Gulf Terminal Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 570 and 870 of Tariff C.R.C. No. E-2762, approved herein, are as follows:—

Item	Cents per 100 pounds	
	Billed	Normal
570	4	5
870	8	10

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55831

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

TUESDAY, the 26th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 40 to Tariff C.R.C. No. E-1689

Supplement 33 to Tariff C.R.C. No. E-2444

Supplement 19 to Tariff C.R.C. No. E-2526

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55830

In the matter of the application of the Pere Marquette Railway Company, hereinafter called the "Applicant Company," for permission to file on less than statutory notice a supplement to its Tariff C.R.C. No. 2991, cancelling seasonal rates on automobiles, freight or passenger, also chassis, from Walkerville, Ontario, to Cornwall, Ontario, Quebec, Quebec, and Trois Rivières, Quebec.

File No. 27612.175

WEDNESDAY, the 27th day of April, 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant Company published seasonal rates on automobiles, freight or passenger, also chassis, from Walkerville, Ontario, to Cornwall, Ontario, Quebec, Quebec, and Trois Rivières, Quebec, to be effective from April 14, 1938, to November 30, 1938, to meet water competition, although it was not the intention to do so;

And whereas the unintentional publication of these rates this season has resulted in their being at variance with the rates published by the Canadian Pacific Railway Company and the Canadian National Railways, and it is desired to withdraw same on less than statutory notice—

It is ordered:

That the Applicant Company be, and it is hereby, granted leave to file on five days' notice a supplement to its Tariff C.R.C. No. 2991, cancelling seasonal rates on automobiles, freight or passenger, also chassis, from Walkerville, Ontario, to Cornwall, Ontario, Quebec, Quebec, and Trois Rivières, Quebec.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55832

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.12

WEDNESDAY, the 27th day of April, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items shown below of Tariff C.R.C. No. E-4840, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items of Tariff C.R.C. No. E-4840, approved herein, are as follows, namely:—

Item	Cents per 100 pounds			
160	18			
190	20			
300	22½			
310	18			
490	31			
520	12½			
580 To Kingston, Ont.	32			
Toronto, Ont.	31½			
610	14½			
620	C.L.	Any quantity		
To Saint John, N.B.	16½	22½		
West Saint John, N.B.	14	14		
725	41			
830	C.L.	Any quantity		
860	15	20		
2565	12½			
	2½			
2995	Minimum weights			
	40,000	60,000		
From				
Bartlett, N.B. West Saint John, N.B. }	6			
Cumberland Bay, N.B. Saint John, N.B. . . }				
Cumberland Bay, N.B. West Saint John, N.B. }				
Hewitt, N.B. West Saint John, N.B. }				
Moore's Mills, N.B. . . Saint John, N.B. . . }				
West Saint John, N.B. }				
		6		
	Minimum Weights			
	30,000	40,000	60,000	80,000
3900 From Saint John, N.B.				
To				
Belleville, Ont. . . . .	..	39	34	31½
Brantford, Ont. . . . .	..	35	..	32½
Brockville, Ont.	39	..	33	31
Chatham, Ont. . . . .	..	..	40½	..
Chesterville, Ont.	40	..	..	..
Cornwall, Ont.	32	..	..	31
Drummondville, Que.	39½	..	..	..
Fort William, Ont. . . . .	..	..	39	37
Garthby, Que. . . . .	..	35½	..	..
Grand'Mere, Que.	33½	..	..	..
Guelph, Ont. . . . .	..	34½	..	..
Hamilton, Ont. . . . .	..	..	33	31
Kingston, Ont. . . . .	..	..	32½	30½
Kitchener, Ont. . . . .	..	35	..	..
Levis, Que. . . . .	..	..	30½	27
Lindsay, Ont. . . . .	..	36½	..	..

Item		Minimum Weights			
		30,000	40,000	60,000	80,000
3905	Listowel, Ont. . . . .	..	41	..	..
	London, Ont. . . . .	..	..	33½	31
	Magog, Que.	37½	..	..	..
	Megantic, Que.	41	..	..	..
	Montreal, Que. . . . .	..	..	30½	25
	Niagara Falls, Ont. . . . .	..	35½	33	..
	Orillia, Ont. . . . .	..	36½	..	..
	Oshawa, Ont. . . . .	..	35	33½	31
	Ottawa, Ont. . . . .	..	..	33	31
	Owen Sound, Ont. . . . .	..	38½	36½	..
	Parry Sound, Ont. . . . .	..	49	..	..
	Pembroke, Ont.	44	..	..	..
	Perth, Ont.	42½	..	..	..
	Peterboro, Ont. . . . .	..	35½	..	..
	Port Arthur, Ont. . . . .	..	..	39	37
	Quebec, Que. . . . .	..	..	30½	27
3910	St. Catharines, Ont. . . . .	..	35½	33	..
	St. Evariste, Que. . . . .	..	36½	..	..
	St. Thomas, Ont. . . . .	..	39½	..	..
	Sarnia, Ont. . . . .	..	43	36½	34
	Sault Ste. Marie, Ont.	58½	..	36	34
	Shawinigan Falls, Que.	33½	..	..	..
	Sherbrooke, Que.	38½	..	..	..
	Simcoe, Ont. . . . .	..	38	..	33½
	Smiths Falls, Ont.	41	..	..	..
	Thedford Mines, Que.	44½	35½	..	..
	Thorold, Ont. . . . .	..	..	33	31
	Toronto, Ont. . . . .	..	..	33½	31
	Trois Rivières, Que. . . . .	..	32	31	26
	Tweed, Ont. . . . .	..	44	..	..
	West Fort William, Ont. . . . .	..	..	39	37
	Windsor, Ont. . . . .	..	43	36½	34
3925	Edmundston, N.B.	24,000	30,000	40,000	60,000
	Fredericton, N.B.	29½	..	..	27
	Grand Falls, N.B.	14½	..	..	..
	Perth Jct., N.B. . . . .	..	29	..	..
	Woodstock, N.B. . . . .	..	22½	..	..
	Woodstock, N.B. . . . .	..	..	20	..
4000	The normal tolls are those shown for scale "J" in Tariff C.R.C. No. E-4221				
4105	.. . . .	Cents per 100 pounds			
	.. . . .	37½			

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55848

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 28th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items (specified below) of the various revised pages shown as being amended on the 32nd revised page 1 of Tariff C.R.C. No. E-4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried

under the said items (specified below) of the various revised pages shown as being amended on the 32nd revised page 1 of Tariff C.R.C. No. E-4757, approved herein, are as follows:—

Item

20
30
50
75
78
25

The normal tolls are those shown for Column "C", "E", "I", "M", and "Q", respectively, in this Order.

The normal tolls are those shown for Column "D" (L.C.L.) in this Order and "D" (C.L.) in Order No. 52446, dated November 8, 1935.

Cents per 100 pounds
"Columns"

	"C"	"D"	"E"		"I"			"M"	"Q"
Miles		L.C.L.	L.C.L.	C.L.	1	2	3		
5..	4	9	9½	3½	4½	5½	24	6	4
10..	4	9	9½	3½	5½	7	24	6½	5
15..	4½	10½	11½	4½	7½	9½	24	6½	5½
20..	4½	10½	12½	5½	9	11½	25	7	6
25..	5	12	14½	6½	10	12½	29	7½	7
30..	5	12	14½	7	10	12½	32	7½	9
35..	5½	13½	18	7½	11½	14½	35	8½	9
40..	5½	13½	19	8	11½	14½	37½	8½	9½
45..	5½	15½	19½	8	11½	14½	40	10	9½
50..	5½	15½	19½	8½	13	16½	42½	10	10
55..	6½	17	22	8½	14½	18	45	11	10
60..	6½	17	22	9	14½	18	47	11	11½
65..	7	18	24½	9½	14½	19½	50	11½	11½
70..	7	18	24½	11½	14½	19½	50	11½	13
75..	7	20½	25	11½	15½	19½	54	12½	13
80..	9	20½	27½	12	15½	22	57½	12½	14½
85..	9	22½	27½	12	17½	22	58	13	14½
90..	9	22½	29	13	17½	22	61½	13	15½
95..	9½	23½	29	14	17½	24	61½	14	17
100..	9½	23½	32	14	17½	24	65	14	17
110..	10½	26	32	14½	19	25	65	14½	17½
120..	10½	26	32	14½	19	25	67½	14½	17½
125..	10½	26	32	14½	20	27½	68	16½	17½
130..	12	27	32	14½	20	27½	68	16½	17½
140..	12	27	34½	16½	20	29	72	16½	19
150..	12	27	34½	16½	20	29	72	18	19
160..	13	29	35	17½	20	30½	75	18	21½
170..	13	29	35	17½	20	30½	75½	19½	21½
175..	13	29	37½	19	22	32	79	19½	22
180..	13	30	37½	19	22	32	79	19½	22
190..	13	30	40	19	22	32	82½	20	22
200..	13	30	40	19	22	34½	82½	20	22½
210..	15½	32½	40	19	23	34½	85	..	22½
220..	15½	32½	40	19	23	36½	86½	..	22½
225..	15½	32½	41½	20	23	37½	90	..	24
230..	15½	34	41½	20	23	37½	90	..	24
235..	15½	34	41½	20	24½	37½	90	..	24
240..	15½	34	41½	20	24½	37½	90	..	24
250..	15½	34	45	20	24½	40	94	..	24
260..	17	35	46½	20½	24½	41½	97	..	24½
270..	17	35	46½	20½	25½	41½	97	..	24½
275..	17	35	47	20½	25½	41½	100	..	24½
280..	17	..	47	20½	25½	41½	100	..	24½
290..	17	..	49	21½	25½	42½	102½	..	26½
300..	17	..	52	21½	27½	42½	105	..	26½

Item	To	C.L.	L.C.L.
335	Beauharnois, Que.	68	103½
	Beaupre, Que. . . . .	..	114
	Belleville, Ont.	70½	105½
	Bowmanville, Ont.	74	110½
	Brampton, Ont.	77½	116
	Brantford, Ont.	80½	121
	Cardinal, Ont.	68	103½
	Clara Belle, Ont.	84	127
	Chatham, Ont.	88	132
	Coaticook, Que.	65	98

Item	To	C.L.	L.C.L.
(Con.)			
	Cobalt, Ont.	104	155½
	Cobourg, Ont.	74	110½
	Cornwall, Ont.	67½	103
	Copper Cliff, Ont.	84	127
	Drummondville, Que.	65	98
	East Angus, Que.	66½	100½
	Elmira, Ont.	80½	121½
	Espanola, Ont.	86½	131
	Fredericton, N.B.	37½	56½
	Galt, Ont.	80½	121½
	Gatineau, Que.	65	95½
	Georgetown, Ont.	77½	116
	Granby, Que.	65	98
	Grand'Mere, Que.	65	98
	Guelph, Ont.	79	119½
	Hamilton, Ont.	77½	116
	Ingersoll, Ont.	83	125
	Iroquois Falls, Ont.	113	169½
	Joliette, Que.	66½	100
	Kingsey, Que.	65	98
	Kingston, Ont.	70	105
	Kitchener, Ont.	80½	121½
	Lachute, Que.	68	103½
	London, Ont.	63½	126½
	Magog, Que.	63½	96½
	Merritton, Ont.	79	119½
	Mille Roches, Ont.	67½	103
	Montreal, Que.	65	98
	Mont Rolland, Que.	65½	96½
	North Bay, Ont.	79	119½
	Ottawa Ont.	67	99
	Paris, Ont.	80½	121½
	Peterboro, Ont.	74	110½
	Port Dalhousie, Ont.	79	119½
	Portneuf, Que.	65	98
	Preston, Ont.	80½	121
	Quebec, Que.	61½	93
	Sault Ste. Marie, Ont.	91½	138
	Shawinigan Falls, Que.	65	98
	Sherbrooke, Que.	61½	93
	Smiths Falls, Ont.	68	103½
	St. Basile, Que.	65	98
	St. Catharines, Ont.	79	119½
	St. Hyacinthe, Que.	65	98
	St. Jerome, Que.	68	100½
	St. Thomas, Ont.	84½	126½
	Sturgeon Falls, Ont.	80½	121½
	Sudbury, Ont.	84	127
	Terrebonne, Que.	65½	100
	Thorold, Ont.	79	119½
	Toronto, Ont.	75½	114½
	Trois Rivières, Que.	65	98
	Walkerville, Ont.	87½	131½
	Wallaceburg, Ont.	87½	132
	Welland, Ont.	79	119½
	Windsor, Ont.	87½	131½
	Windsor Mills, Que.	65	98
	Woodstock, Ont.	83	125

One and one-half cents per hundred pounds to be deducted account of water haul.

Item	To	Cents per 100 pounds
660	Abercorn, Que.	22 $\frac{1}{2}$
	Berthierville, Que.	22 $\frac{1}{2}$
	Cap de la Madeleine, Que.	23 $\frac{1}{2}$
	Drummondville, Que.	23 $\frac{1}{2}$
	Farnham, Que.	22 $\frac{1}{2}$
	Grandes Piles, Que.	22 $\frac{1}{2}$
	Grand Mere, Que.	23 $\frac{1}{2}$
	Levis, Que.	24 $\frac{1}{2}$
	Malvina, Que.	23 $\frac{1}{2}$
	Montreal, Que.	22 $\frac{1}{2}$
	Quebec, Que.	24 $\frac{1}{2}$
	St. Gabriel, Que.	22
	St. Guillaume, Que.	22 $\frac{1}{2}$
	St. Johns, Que.	
	Ste. Rosalie, Que.	
	Stanbridge, Que.	
	Trois Rivières, Que.	23 $\frac{1}{2}$
	Waterloo, Que.	22 $\frac{1}{2}$
	Windsor Mills, Que.	23 $\frac{1}{2}$
665		C.L. L.C.L.
		13 28 $\frac{1}{2}$
666	To	
	Edmundston, N.B.	17
	Woodstock, N.B.	12
667		9

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55847

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 29th day of April, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 15B and 116B of Supplement No. 14 to Tariff C.R.C. No. E-4369, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 15B and 116B of Supplement No. 14 to Tariff C.R.C. No. E-4369, approved herein, are as follows:—

Item	Cents per 100 pounds
15B	84 $\frac{1}{2}$
116B	169

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55849

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 29th day of April, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in item 141B of Supplement No. 25 to Tariff C.R.C. No. E-4368, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 141B of Supplement No. 25 to Tariff C.R.C. No. E-4368, approved herein, is 175 cents per 100 pounds.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55850

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 29th day of April, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in items 190A, 590, and 2565A of Supplement No. 2 to Tariff C.R.C. No. E-4840, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 190A, 590, and 2565A of Supplement No. 2 to Tariff C.R.C. No. E-4840, approved herein, are as follows:—

Item	Any quantity	Cents per 100 pounds Minimum of 2,000 lbs.
190A Saint John, N.B., to St. Stephen, N.B.	20	
St. Stephen, N.B., to Saint John, N.B.	20	15
590 To Fort William, Ont. } Local		62½
Port Arthur, Ont. } Furtherance		47
2565A		2½

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55851

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 29th day of April, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.R.C. No. 1074, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1074, approved herein, are as follows:—

Item	From	Cents per 100 pounds	
		Lake and rail	All-rail
1	Wolfville, N.S.	52	55½
	Port Williams, N.S.	52½	
	Lakeville, N.S.	52½	
	Waterville, N.S.	52	
	Berwick, N.S.	52	
	Aylesford, N.S.	52½	
	Kingston, N.S.	52½	56½
	Middleton, N.S.	51	
	Lawrencetown, N.S.	51	
	Bridgetown, N.S.	51½	
	To		
2	Sault Ste. Marie, Ont.		54½
	Fort William, Ont.	48½	54
	Port Arthur, Ont.		
	West Fort William, Ont.		

One and one-half cents per 100 pounds to be deducted account of water haul.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55858

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 3rd day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 42 to Tariff C.R.C. No. E-1258

Supplement 53 to Tariff C.R.C. No. E-1829

Supplement 1 to Tariff C.R.C. No. E-2762

H. GUTHRIE,

Chief Commissioner.

ORDER No. 55866

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for permission to make correction on less than statutory notice in the rate on bituminous coal, carloads, from Montreal, Quebec, to Kapuskasing, Ontario.

File No. 27612.176

FRIDAY, the 6th day of May, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicants published in their Tariff C.R.C. No. E-2636 a rate of \$3.50 per ton of 2,000 pounds on bituminous coal, carloads, from Montreal, Quebec, to Kapuskasing, Ontario, indicated as expiring with April 30, 1938, which expiration date was later extended to April 30, 1939;

And whereas it was the intention of Applicants to advance the rate to \$3.80 per net ton, following conference and consent of the shippers, but through oversight, when the expiration of the rate was extended from April 30, 1938, to April 30, 1939, advice was not given to increase the rate to \$3.80 per net ton, with the result that the \$3.50 rate has unintentionally continued in effect—

It is ordered:

That the Applicants be, and they are hereby, granted leave to file on three days' notice a supplement to their Tariff C.R.C. No. E-2636 publishing a rate of \$3.80 per ton of 2,000 pounds on bituminous coal, carloads, from Montreal, Quebec, to Kapuskasing, Ontario.

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 572

In the matter of the General Order of the Board No. 547, dated December 2, 1935, prescribing regulations regarding plans required to be filed with the Board in connection with applications for railway crossings, junctions, and drawbridges under Sections 252 and 305 of the Railway Act, and general requirements for interlocking appliances.

File No. 521

THURSDAY, the 14th day of April, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Upon reading the submissions filed on behalf of the Railway Association of Canada, and the reports and recommendations of the Chief Operating Officer and the Chief Engineer of the Board,—

It is ordered: That the said General Order No. 547, dated December 2, 1935, be, and it is hereby, amended by adding the following paragraph after paragraph 5 thereof, namely:—

"5A. When railways bring all trains to a stop before making a movement over a railway crossing or drawbridge the protection may be modi-

fied, but at all such crossings or drawbridges not protected by interlocking appliances a stop-board shall be erected at a point not less than 500 feet each way from the nearest frog of crossing, or each way from the nearest end of drawbridge; and all trains must be brought to a full stop at the stop-board and shall not thereafter proceed until a proper signal has been given for that purpose."

H. GUTHRIE,
Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF RAILWAY COMMISSIONERS, MARCH, 1938

Railway accidents... 121 with 22 killed and 111 injured
Railway accidents at highway crossings... 10 with 8 killed and 8 injured

	Killed	Injured
Passengers...	—	27
Employees...	6	72
Others...	24	20
	<u>30</u>	<u>119</u>

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents	K.	I.		NOVA SCOTIA
1	2	1	Automobile—Auto ran into side of train.	Licence N.S. 72-723.
ONTARIO				
1	—	1	Pedestrian —Child ran in front of train and was struck.	
1	—	1	Automobile—Auto struck push car.	Licence Ont.75-V-75.
1	4	—	Automobile—Auto drove onto crossing in front of approaching train and was struck.	Licence Ont.10-N-19.
1	1	1	Auto Truck—Truck drove onto crossing in front of approaching train and was struck.	Licence Ont.67381.
1	—	1	Automobile—Auto ran into side of train.	Licence Ont.97-F-78.
1	—	1	Automobile—Auto ran into side of train.	Licence Ont.16-V-92.
SASKATCHEWAN				
1	—	1	Auto Truck—Truck drove onto crossing in front of approaching train and was struck.	Licence Sask.CV-1007.
ALBERTA				
1	1	—	Auto Truck—Truck drove onto crossing in front of approaching train and was struck.	Licence Alta.D-10840.
1	—	1	Auto Truck—Truck drove onto crossing in front of approaching train and was struck.	Licence Alta.2272.

Of the 10 Accidents at Highway Crossings, 7 occurred at Unprotected Crossings and 3 at Protected Crossings.

Nine of the Accidents occurred after Sunrise, and one after Sunset.

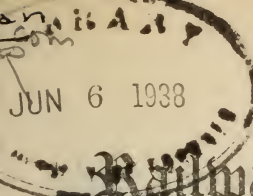
April 30, 1938.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 55758 April 1—Requiring the C.N.R. to relocate bell and wigwag at crossing mileage 3·35 Batiscan Subdv.
- 55759 April 1—Requiring the C.N.R. to remove siding on Thackery St., Toronto, Ont.
- 55760 April 2—Authorizing the C.P.R. to close public crossing in north half of Sec. 11, 18, 33, W1M, Sask.
- 55761 April 1—Slightly amending Order No. 55290 dated December 6, 1937, to provide for costs.
- 55762 April 1—Approving location of storage tanks, etc., of McColl-Frontenac Oil Co., Ltd. at Bloomfield, Ont. (C.N.R.).
- 55763 April 1—Approving location of storage tank pipe line, etc. of North Star Oil Ltd., at Fisher Branch, Man. (C.N.R.).
- 55764 April 1—Approving location of new oil storage tank of Union Oil Co. of Canada, Ltd., at Ashcroft, B.C. (C.P.R.).
- 55765 April 4—Authorizing the Quebec Central Railway Co., to file a supplement to its tariff C.R.C. No. 1102 to correct an error.
- 55766 April 4—Declaring the C.N.R. crossing at mileage 66·20 Kapuskasing Subdv., protected to Board's satisfaction.
- 55767 April 4—Declaring the C.P.R. crossing at mileage 117·65 Lachute Subdv. protected to Board's satisfaction.
- 55768 April 4—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, toll published in tariff filed by the Sydney & Louisburg Rly. Co. under sec. 9.
- 55769 April 4—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55770 April 6—Approving plan showing location of unloading standard, etc. owned by the British American Oil Co., Ltd., at Geraldton, Ont. (C.N.R.).
- 55771 April 7—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
- 55772 April 7—Declaring the C.N.R. crossing at mileage 1·0 Beach Subdv. protected to Board's satisfaction.
- 55773 April 8—Ordering that C.F.A. tariff C.R.C. No. 992 may be amended by the issuance of a supplement thereto, publishing a rate of 19½ cents per hundred pounds on salt, common, carloads, etc.
- 55774 April 8—Authorizing the Pere Marquette Railway Co. to close station at Watson, Ont., for less than carload freight.
- 55775 March 31—Requiring the C.P.R. to reconstruct bridge and approaches on Westminster Ave., Montreal West, Que.
- 55776 April 8—Refusing application of Dept. of Highways for Quebec for authority to divert the highway and remove and reconstruct overhead bridge crossing the C.N.R. at Lac au Saumon Village, Que.
- 55777 April 8—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
- 55778 April 8—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 55779 April 9—Approving Traffic Agreements between the Bell Telephone Co. and La Cie de Telephone Rural d'Henryville and Clarence Telephone Co., Ltd.
- 55781 April 9—Slightly amending Order No. 52468 *re* Operating Rules of New York Central Railroad Co.
- 55782 April 8—Requiring the C.N.R. to appoint station agent at Spedden, Alta.
- 55783 April 11—Authorizing the Quebec Central Railway Co. to close stations at Capelton and Eustis, Que., and establish flag station.
- 55784 April 11—Approving Traffic Agreement between the Bell Telephone Co. of Canada and Hermenegilde Locas.
- 55785 April 12—Approving plant layout of the Canadian Oil Co., Ltd., at Chatham, N.B. (C.N.R.).
- 55786 April 11—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55787 April 12—Approving Traffic Agreements between the Bell Telephone Co. and Le
- 55788 April 11—Telephone de St. Sebastien d'Iberville, and the C.N. Telegraph Co
- 55789 April 12—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 55790 April 13—Authorizing the C.P.R. to file on ten days' notice a supplement to its tariff C.R.C. No. E-4803 cancelling seasonal rate on newsprint paper, carloads, from certain points.
- 55791 April 14—Declaring the C.P.R. crossings at mileages 44·07 and 62·23 Windsor Subdv.
- 55792 April 13—protected to Board's satisfaction.
- 55793 April 13—Requiring the Pere Marquette Railway Co. to install wigwags and bell near mileage 5·10 St. Thomas and Walkerville Subdv.

- 55794 April 14—Refusing application of Dept. of Public Works for B.C. for an order directing the Northern Alberta Rlys. Co. to obtain title and convey same to them for land required for road diversion near south boundary of Village of Pouce Coupe, B.C.
- 55795 April 14—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 55796 April 16—Authorizing the Grand River Rly. Co. to abandon passenger service between Kitchener and Waterloo, Ont.
- 55797 April 16—Requiring the C.N.R. to maintain train service between Oxford Junction and Truro, N.S., from Dec. 1 to May 1 each year, etc.
- 55798 April 19—Authorizing the C.P.R. to remove 45' H.D.P.G. Span over C.N.R. abandoned branch line from Lindsay to Millbrook, Ont., etc.
- 55799 April 19—Approving location of unloading standard, storage tanks, etc., for Union Oil Co. at Dawson Creek, B.C. (Northern Alberta Railways Co.).
- 55800 April 19—Authorizing the Corp. of Township of West Oxford, Ont., to close existing crossing of C.P.R. on Munro's Side Road, mileage 6.31 St. Thomas Subdv.
- 55801 April 19—Approving plan showing details of proposed work to be done at subway under C.P.R. near Estevan, Sask.
- 55802 April 19—Approving Traffic Agreement between Bell Telephone Co. and Commissioners for the Telephone System of the Municipality of the Village of Coldwater.
- 55803 April 19—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3 tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55804 April 20—Authorizing the C.N.R. to discontinue Cainsville, Ont., as a flag stop.
- 55805 April 16—Authorizing the C.N.R. to construct siding across Vinet St., Montreal, Que.
- 55806 April 20—Approving location of four additional storage tanks on property of Puritan Oil Co. at Regina, Sask. (C.P.R.).
- 55807 Apr. 21—Approving location of pipe line of Patron Oil Co. under C.P.R. tracks at Piapot, Sask.
- 55808 April 21—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 55809 April 22—Extending time within which bells and wigwags may be installed under Order No. 55459.
- 55810 April 22—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
- 55811 April 22—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55812
- 55813
- 55814 April 22—Authorizing the Township of North Oxford to close existing crossing of the C.N.R. on Munro's Side Road near Ingersoll, Ont., and to construct a new crossing nearby.
- 55815 April 19—Approving Traffic Agreement between the Bell Telephone Co. and the Glen-garry Telephone Co., Ltd.
- 55816 April 22—Declaring the C.N.R. crossing at mileage 100.9 Sydney Subdv. protected to Board's satisfaction.
- 55817 April 22—Declaring the C.N.R. crossing at Ridout St., London, Ont., protected to Board's satisfaction.
- 55818 April 22—Authorizing Essex Terminal Railway Co. to remove derrails and signals crossing of Sandwich, Windsor and Amherstburg Rly. on Howard Ave., Windsor, Ont., and to install other protection.
- 55819 April 22—Authorizing the C.P.R. to convert farm crossing at mileage 79.0 Sherbrooke Subdv. into a public crossing.
- 55820 April 22—Authorizing the C.P.R. to construct a grade level crossing over its tracks in town of Ste. Rose, Que.
- 55821 April 23—Authorizing the C.P.R. to remove caretaker at Roseberry Station, B.C.
- 55822 April 25—Approving location of oil warehouse pipe lines, etc. of British American Oil Co., Ltd., adjacent to C.N.R. industrial track at Hudson, Ont.
- 55823 April 25—Extending time within which bell and wigwag may be installed as required by Order No. 55321.
- 55824 April 25—Amending Order No. 55476 dated Jan. 20, 1938, by substituting the words "C.P.R." for "Applicant," etc.
- 55825 April 25—Approving location of additional kerosene tank of the Canadian Oil Companies, Ltd., at Drummondville, Que (C.N.R.).
- 55826 April 26—Declaring the C.N.R. crossing at mileage 121 Minaki Subd. protected to Board's satisfaction.
- 55827 April 26—Approving proposed location of Shell Oil Company's pipe lines, storage tanks, etc. at the C.P.R. siding at Owen Sound, Ont.
- 55828 April 25—Authorizing the Dept. of Roads for Quebec to construct an overhead crossing of the C.N.R. near Champigny Flag Station, Que.
- 55829 April 25—Approving location of North Star Oil Company's loading rack and oil tanks at the C.P.R. spur track at Winnipeg and Eighth Sts., Regina, Sask.

- 55830 April 27—Authorizing the Pere Marquette Rly. Co. to file on five days' notice a supplement to its tariff C.R.C. No. 2991.
- 55831 April 26—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55832 April 27—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the C.P.R. under sec. 9.
- 55833 April 27—Declaring the C.P.R. crossing at mileage 34·3 Strathmore Subdv. protected to Board's satisfaction.
- 55834 April 27—Authorizing the C.P.R. to operate interlocking plant at crossing of Kettle Valley and the Canadian Northern Pacific Railways at Hope, B.C., etc.
- 55835 April 28—Approving plan showing rearrangement of ringing circuits operating wigwag and bell at crossing of Main St., by the C.N.R. at Mundare, Alta.
- 55836 April 28—Approving plan showing location of storage tanks and pipe line of Super-test Petroleum Corp., Ltd., alongside the C.P.R. track at corner of St. Patrick and Hamilton Sts., Montreal, Que.
- 55837 April 28—Requiring the Bell Telephone Co. to move its facilities so as to permit of the reconstruction of the subway at Gibson St., Parry Sound, Ont. (C.N.R.).
- 55838 April 29—Approving Traffic Agreements between the Bell Telephone Co. and the Canadian Industries Ltd., the Pepperlaw Telephone System, Ltd., and the Manilla Union Telephone Co. Ltd.
- 55839 April 28—Authorizing the C.N.R. to construct their railway across road to Stadacona Mine at mileage 98·51 Senneterre-Rouyn Line.
- 55840 April 28—Authorizing the C.N.R. to construct their railway across road to Stadacona Mine at mileage 98·51 Senneterre-Rouyn Line.
- 55841 April 28—Authorizing the C.N.R. to construct their railway across road to Stadacona Mine at mileage 98·51 Senneterre-Rouyn Line.
- 55842 April 29—Rescinding Orders numbered 27393 dated July 4, 1918, and 34027 dated August 11, 1923, *re* crossings of the tracks of the Sandwich, Windsor and Amherstburg Railway by the tracks of the Essex Terminal Railway on Main St., Township of Sandwich West, Ont.
- 55843 April 29—Rescinding Orders numbered 14911 dated Sept. 25, 1911, and 48947 dated Aug. 10, 1932, *re* crossings of the tracks of the Sandwich, Windsor and Amherstburg Railway by the tracks of the Essex Terminal Railway on Bedford St., Sandwich, Ont.
- 55844 April 29—Declaring the C.N.R. crossings at Rose de Lima St., Montreal, and Hunter St., Peterboro, Ont., protected to Board's satisfaction.
- 55845 April 29—Declaring the C.N.R. crossings at Rose de Lima St., Montreal, and Hunter St., Peterboro, Ont., protected to Board's satisfaction.
- 55846 April 29—Requiring the C.N.R. to install two wigwags and one bell at the crossing of first road east of Jordan Station, Ont.
- 55847 April 29—Approving under Maritime Freight Rates Act, Sec. 3, subsec. 3, tolls published in tariffs filed by the C.P.R. under sec. 9.
- 55848 April 28—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.P.R. under sec. 9.
- 55849 April 29—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.P.R. under sec. 9.
- 55850 April 29—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.P.R. under sec. 9.
- 55851 April 29—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Dominion Atlantic Railway under sec. 9.



JUN 6 1938

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Railway Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 5

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ORDER No. 55868

*In the matter of tariffs and supplements to tariffs filed under the provisions of
the Maritime Freight Rates Act.*

File No. 34822.13

THURSDAY, the 5th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 1075, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1075, approved herein, are as follows:—

Item	Cents per 100 pounds
1	33
2 To Montreal, Que.	33
Toronto, Ont.	34
3 From Halifax, N.S.	43
Yarmouth, N.S.	43½
4 To Guelph, Ont.	45½
Simcoe, Ont.	45
Toronto, Ont.	40
5 Halifax, N.S. rates covered by previous order or orders.	

		Cents per 100 pounds				
		To				
6 From		Montreal, Que.	Toronto, Ont.	Ottawa, Ont.	Quebec, Que.	Hamilton, Ont.
}	Wolfville, N.S.					
	Port Williams, N.S.					
	Lakeville, N.S.					
	Waterville, N.S.	52	35	51	53	54½
	Berwick, N.S.					
	Aylesford, N.S.					
	Kingston, N.S.	52	54½	51	52½	54½
	Middleton, N.S.	53½	57	52½	54½	56½
	Lawrencetown, N.S.	52	54½	51	52½	54½
	Bridgetown, N.S.	53½	57	52½	54½	56½
	Meteghan, N.S.	49½	54½	49	51½	54

One and one-half cents per 100 pounds to be deducted account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55871

In the matter of the application of the Bangor and Aroostook Railroad Company, hereinafter called the "Applicant Company," for permission to file, on less than statutory notice, a tariff cancelling its Tariffs C.R.C. Nos. 795 and 875 to correct an error.

File No. 27612.177

MONDAY, the 9th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

Whereas the Applicant Company's Tariff C.R.C. No. 795, containing transit arrangements for stop-off in transit to partially unload or to complete loading of carload freight at points on the Applicant Company's railway, provided a charge for each stop-off of \$6.30 per car per stop, which charge was increased under Ex Parte 123, effective March 28, 1938, to \$6.93;

And whereas the Applicant Company issued Tariff C.R.C. No. 875, effective June 3, 1938, cancelling its Tariff C.R.C. No. 795, but in bringing forward such charge it was erroneously shown as \$6.30 instead of \$6.93; and application is now made to publish the correct charge on less than statutory notice—

It is ordered: That the Applicant Company be, and it is hereby, granted leave to file, effective June 3, 1938, a new tariff cancelling its Tariffs C.R.C. Nos. 795 and 875, to correct the said error.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55883

In the matter of the application of the Algoma Central & Hudson Bay Railway Company, hereinafter called the "Applicant Company," for permission to issue an amendment to its Tariff C.R.C. No. 965, on less than statutory notice, to correct an error in the publication of rate on pig iron, carloads, from Sault Ste. Marie, Ontario, to Longueuil, Quebec.

File No. 27612.178

WEDNESDAY, the 11th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

Whereas it is stated in the application that in Supplement No. 2 to the Applicant Company's Tariff C.R.C. No. 965, issued to become effective May 15, 1938, a rate of \$4.75 per gross ton was published on pig iron, carloads, from Sault Ste. Marie, Ontario, to Longueuil, Quebec, to meet water competition, and that this rate was published in error and should be \$4.85 per gross ton; and it is desired to issue a Supplement No. 3 to said tariff, effective May 15, 1938, to correct the error,—

It is ordered: That the Applicant Company be, and it is hereby, granted leave to file Supplement No. 3 to its Tariff C.R.C. No. 965, publishing a rate of \$4.85 per gross ton on pig iron, carloads, from Sault Ste. Marie, Ontario, to Longueuil, Quebec, effective May 15, 1938.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55892

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant Company," for permission to cancel, on less than statutory notice, collection and delivery service at Mont Rolland, in the Province of Quebec.

File No. 27612.179

SATURDAY, the 14th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon its appearing that the Applicant Company is unable to arrange with carters at Mont Rolland, Quebec, for collection and delivery of less than carload traffic,—

It is ordered: That the Applicant Company be, and it is hereby, permitted to file an amendment to its Tariff C.R.C. No. E-4814 upon five days' notice, cancelling Mont Rolland, Quebec, as a station at which collection and/or delivery service will be performed.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55893

In the matter of the application of B. T. Jones and G. C. Ransom, Agents for and on behalf of carriers, for permission to publish on less than statutory notice a new tariff naming joint lake-and-rail and rail-lake-and-rail domestic class rates between Chicago, Illinois, and Milwaukee docks, also stations in Illinois, Indiana, Iowa, Missouri, and Wisconsin, and points in Eastern Canada east of Depot Harbor, Port McNicoll, and Sudbury, Ontario.

File No. 27612.180

MONDAY, the 16th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Whereas it is stated in the application that the present rail-lake and rail-lake-and-rail tariffs, publishing class rates within the territory mentioned, cover only a portion of Eastern Canada and are also considerably out of line in view of recent revisions in all-rail class rates which were made effective March 3, 1938, and amended March 28, 1938;

And whereas it was intended to publish the proposed amended lake-rail and rail-lake-and-rail rates to be effective prior to the opening of navigation, but which action has been unavoidably delayed, and now that navigation on the Great Lakes is open it is desired that the proposed rates be made available at the earliest possible date, and similar application having been made to the Interstate Commerce Commission,—

It is ordered: That B. T. Jones and G. C. Ransom, Agents, be, and they are hereby, granted leave to file for and on behalf of carriers a new tariff naming joint lake-and-rail and rail-lake-and-rail domestic class rates, as referred to in the application, effective upon ten day's notice, subject to the necessary authority being received from the Interstate Commerce Commission.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55901

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

SATURDAY, the 14th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 50 of Tariff C.R.C. No. E-2769, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 50 of Tariff C.R.C. No. E-2769, approved herein, are as follows:—

Item 50 To	Via Riviere du Loup, Que.		Cents per 100 pounds Edmundston, N.B.	
	B	N	B	N
Cabano, Que.	10.9	13.6	....	....
Couturier, Que.	6.6	8.3	....	....
Edmundston, N.B.	7.0	8.8	....	....
Notre Dame du Lac, Que.	10.9	13.6	....	....
St. Honore, Que.	8.7	10.9	....	....
St. Louis du Ha Ha, Que.	9.7	12.1	....	....
St. Modeste, Que.	4.5	5.6	....	....
Vauban, Que.	8.7	10.9	....	....
Whitworth, Que.	6.6	8.3	....	....
Baker Brook, N.B.	7.0	8.8	4.8	6.0
Caron Brook, N.B.	6.6	8.3	4.5	5.6
Clair's, N.B.	7.0	8.8	4.8	6.0
Connors, N.B.	10.4	13.0	8.0	10.0
Ledges, N.B.	7.9	9.9	7.0	8.8
Little River Mills, N.B.	10.4	13.0	8.0	10.0
St. Hilaire, N.B.	7.0	8.8	4.8	5.5
St. Jacques Church, N.B.	9.7	12.1	4.9	6.1
Ste. Rose, Que.	11.8	14.8	7.1	8.9

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55905

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

MONDAY, the 16th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 14 to Tariff C.R.C. No. 194, filed by the Fredericton & Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 14 to Tariff C.R.C. No. 194, approved herein, are as follows:—

Item	To	Cents per ton of 2,000 pounds
5	Minto, N.B.	75
25	Chipman, N.B.	2 35
	"	4 37½
	"	110
970	Fredericton, N.B.	5115
	"	135
2540	North Devon, N.B.	5115
	"	135
4805	Hawkesbury, Ont.	350

2, 4, 5 See page 3 of original tariff for application.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55906

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 16th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 68 to C.R.C. No. E-1244
Supplement 34 to C.R.C. No. E-2444
Supplement 19 to C.R.C. No. E-2448
Tariff C.R.C. No. E-2776

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55907

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 17th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 1076, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1076, approved herein, are as follows:—

Item	Section 1	Cents per 100 pounds
5		5½
10		6½
20 To Yarmouth, N.S.		15½
Truro, N.S.		9
25 7th class rates covered by previous order or orders.		

Section 2		“A”		“B”		“C”	
Miles		C.L.	L.C.L.	C.L.	C.L.	C.L.	L.C.L.
10		4½	9	3½	3	9	
20		5½	10½	3½	3	10½	
30		6	11½	4	3½	11½	
40		6½	13½	4½	4	13½	
50		7½	15½	5½	4½	15½	
60		9	16½	6	5	16½	
70		9½	18	7	5½	18	
80		10½	20½	8½	7	20½	
90		11	22½	9	7	22½	
100		11½	23½	9½	7½	23½	
125		12	25½	10	8	25½	
150		13½	27	10½	8½	27	
175		14½	28	11	9	28	
200		15½	29½	12	..	29½	
225		16½	32	13	..	32	
250		17	34	13½	..	34	

Section 3		Cents per 100 pounds
Index No.		
10 To Fairville, N.B.		22
15 South Bay, N.B.		26
45 Grand Bay, N.B.		26
75 Westfield Beach, N.B.		22½
90 Nerepis, N.B.		
to		26
185 McAdam, N.B.		
815 Bay Shore, N.B.		23½
820 West Saint John, N.B.		23½
935 Rusagonis, N.B.		
to		25
960 Morrison, N.B.		
970 Fredericton, N.B.		24
1105 Barber, N.B.		
to		26
1150 St. Stephen, N.B.		
1305 Milltown, N.B.		26
1415 Dunbarton, N.B.		
to		26
1470 St. Andrews, N.B.		
1635 Bonny River, N.B.		26
1640 St. George, N.B.		
to		23½
1700 Spruce Lake, N.B.		
1815 Cottrell, N.B.		
to		29
1870 Debec Jct., N.B.		
1890 Woodstock, N.B.		25½
1895 Upper Woodstock, N.B.		
to		29
1925 Hartland, N.B.		
1930 Hale, N.B.		
to		30½
1995 Andover, N.B.		
2000 Aroostook, N.B.		32
2110 Morrill, N.B.		
to		32
2125 Argosy, N.B.		
2130 Grand Falls, N.B.		
to		27½
2133 Andre, N.B.		
2135 Martin, N.B.		29
2140 Rivard Siding, N.B.		
to		27½
2190 Green River, N.B.		

Section 3		Cents per 100 pounds
Index No.		
2195	St. Basil, N.B.	27
2210	Edmundston, N.B.	28½
2310	Elmwood, N.B.	29
2315	Green Road, N.B.	
2430	McKenna, N.B.	29
to	to	
2530	Clonfield, N.B.	24½
2535	Nashwaaksis, N.B.	
2540	North Devon, N.B.	24
2550	South Devon, N.B.	
2670	Caverhill, N.B.	29
to	to	
2685	Otis, N.B.	32
2815	Tobique Narrows, N.B.	
to	to	25
2865	Three Brooks, N.B.	
2870	Wapske, N.B.	24½
2875	Arbuckle, N.B.	
2880	Plaster Rock, N.B.	25
3005	Tinker, N.B.	32

To Canadian National Railway stations the Dominion Atlantic Railway Company's proportions to be reported as follows:—

"Via Windsor Jct."		Cents per 100 pounds	
		B	N
All stations	"Via Truro"	5	6
All stations, except as shown below		5¾	7
Index No.			
2791	}	6½	8
to			
2961			
3334			
to			
3338			

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55908

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

TUESDAY, the 17th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., Chief Commissioner.

G. A. STONE, Commissioner.

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 766, filed by the Temiscouata Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 766, approved herein, are as follows:—

From	Cents per 100 pounds
Edmundston, N.B.	39
Ste Rose, Que.	32½
Notre Dame du Lac, Que.	29
Cabano, Que.	26½
St. Louis du Ha Ha, Que.	25
St. Honore, Que.	22½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55903

In the matter of the application of the Canadian National Railways and the Canadian Pacific Railway Company, hereinafter called the "applicant companies," for permission to file on less than statutory notice supplements to their Tariffs C.R.C. Nos. E-2115 and E-4840 cancelling rate on fuel oil from Montreal, Quebec, to Sault Ste. Marie, Ontario.

File No. 27612.181

WEDNESDAY, the 18th day of May, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the applicant companies published a rate of 25 cents per 100 pounds on fuel oil in tank cars, carloads, from Montreal, Quebec, to Sault Ste. Marie, Ontario, indicated as expiring with June 30, 1938, to meet water competition, which rate was published as a result of agreement with shippers;

And whereas it is stated in the application that shippers have notified the applicant companies that future requirements of fuel oil will move by water, and that the rail rate will not be used, and as this reduced rate has not served the purpose for which it was published it is desired to withdraw same on less than statutory notice,—

It is ordered: That the applicant companies be, and they are hereby, granted leave to file on three days' notice supplements to their Tariffs C.R.C. Nos. E-2115 and E-4840, cancelling rate of 25 cents per 100 pounds on fuel oil in tank cars, carloads, from Montreal, Quebec, to Sault Ste. Marie, Ontario.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55911

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 19th day of May, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 1072, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1072, approved herein, are as follows:—

Item	To	Cents per 100 pounds
5	Beaverbank, N.S.	7
	Mount Uniacke, N.S.	7½
	Stillwater, N.S.	9
	Windsor, N.S.	9
	Mosherville, N.S.	10½
10	Kennetcook, N.S.	11½
	Upper Kennetcook, N.S.	13
	South Maitland, N.S.	15
	Avonport, N.S.	9
	Port Williams, N.S.	10½

Item	To	Cents per 100 pounds
15	Kentville, N.S.	11½
	Mill Village, N.S.	11½
	Kingsport, N.S.	13
	Grafton, N.S.	15
	Weston, N.S.	16
20	Berwick, N.S.	13
	Kingston, N.S.	15
	Wilmot, N.S.	16
	Weymouth, N.S.	18
	Hectanooga, N.S.	19
	Hebron, N.S.	20
25	South Maitland, N.S.	7
	Kennetcook, N.S.	9
	Scotch Village, N.S.	9
	Windsor, N.S.	10½
	Stillwater, N.S.	11½
30	Beaverbank, N.S.	13
	Avonport, N.S.	10½
	Port Williams, N.S.	11½
	Kentville, N.S.	13
	Mill Village, N.S.	13
35	Kingsport, N.S.	15
	Weston, N.S.	16
	Berwick, N.S.	15
	Wilmot, N.S.	16
40	Weymouth, N.S.	18
	Hectanooga, N.S.	19
	Hebron, N.S.	20
45	Brazil Lake, N.S.	6½
	Hectanooga, N.S.	7
	Sigogne, N.S.	7½
	Little Brook, N.S.	8½
	Weymouth, N.S.	9½
50	Plympton, N.S.	9½
	Digby, N.S.	10½
	Clementsport, N.S.	14
	Annapolis Royal, N.S.	14
55	Halifax, N.S.	18
	Windsor, N.S.	17½
	Wolfville, N.S.	16½
	Kentville, N.S.	15
	Berwick, N.S.	14
	Aylesford, N.S.	11½
60	Middleton, N.S.	9½
	Bridgetown, N.S.	8½
	Annapolis Royal, N.S.	7½
	Weymouth, N.S.	7½
	Church Point, N.S.	8½
	Yarmouth, N.S.	10½
65	Middleton, N.S.	16
	Bridgetown, N.S.	17½
	Yarmouth, N.S.	17½
	Truro, N.S.	9
70	Bridgetown, N.S.	22½
	Middleton, N.S.	25
75	. . . . .	6½
80	C.L.—8th class rates covered by previous order or orders.	
	L.C.L.—4th class rates covered by previous order or orders.	

Item	Miles	Cents per 100 pounds
85		
10	3½
20	4
30	4½
50	5½
60	6
75	6½
90	8½
100	9
125	10½
150	11½
200	13
250	15½

Item 90	Miles	
15	12	
20	12½	
30	15	
35	18	
40	18	
50	19½	
60	22	
70	24	
75	25	
80	25	
85	27½	
95	27½	
100	27½	
120	29	
130	30½	
140	30½	
150	32	
170	32	
180	34½	
200	34½	
220	36½	
230	36½	
240	37½	
250	37½	

Item 95	Miles	L.C.L.	C.L.
5		7	4
10		9½	3½
20		11½	4
30		12½	5
40		14½	5½
50		16½	5½
60		18	6½
70		19½	7
75		20½	7
80		20½	8½
90		22	8½
100		22½	9
125		25	10½
150		27½	12
200		30½	13
230		32	15½

Item 100	Miles	Cents per 100 pounds
5		5
10		5
20		5½
30		6
40		7
50		7
60		7½
70		8
75		8
80		10
90		10
100		10½
125		12
150		13
200		14½

Item 105	Miles	L.C.L.	C.L.
5		7	4
10		9½	3½
20		11½	4½
30		12½	5
40		14½	5½
50		16½	5½
60		18	6½
70		19½	7
75		20½	7
80		20½	9
90		22	9
100		22½	9½
125		25	10½
150		27½	12
200		30½	13

Item	Cents per 100 pounds
110	18
115 To Bridgetown, N.S.	10
Yarmouth, N.S.	11½
120	6½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55912

In the matter of the application of the Canadian National Railway Company, under sections 323 and 360 of the Railway Act, for approval of By-law No. 4, dated November 6, 1934, as amended by the Trustees January 15, 1935, and by the Directors of the Company October 29, 1936, and May 12, 1938, authorizing the General Manager and the Superintendent of Traffic and Transportation of the Express Department of the Company from time to time to prepare and issue tariffs of every description of the express tolls to be charged by the company, and to specify to whom, the place where, and the manner in which such tolls shall be paid.

File No. 4277.1

THURSDAY, the 19th day of May, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Chief Traffic Officer of the Board,—

It is ordered: That the said By-law No. 4, on file with the Board under file No. 4277.1, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 573

In the matter of General Order No. 569, dated March 15, 1938, and General Order No. 570, dated March 25, 1938, regarding increases in rates and charges in accordance with the provisions of Order of the Interstate Commerce Commission, dated March 8, 1938, in Ex Parte 123, in freight tariffs filed with the Board covering traffic between points in Canada and points in the United States; between points in the United States through Canada; and import and export traffic between Canadian and United States ports and stations in Canada and the United States.

File No. 39422

MONDAY, the 9th day of May, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Interstate Commerce Commission has amended its Special Permission No. 167170 by Amendment No. 7, dated April 26, 1938, authorizing the correction of errors made in publishing rates in accordance with the decision of the said Commission in Ex Parte 123, by filing of tariff schedules correcting

such errors on one day's notice, provided they are filed not later than June 15, 1938; and application has been made to the Board for similar authority with respect to rates covered by General Order No. 569—

It is ordered: That tariff schedules covering traffic between points in Canada and points in the United States; between points in the United States through Canada, and import and export traffic between Canadian and United States ports and stations in Canada and the United States, may be amended for the purpose of correcting errors therein by the publication and filing with the Board of Schedules making such corrections effective upon not less than one day's notice after the filing thereof with the Board: Provided that this authority does not extend to tariff schedules filed with the Board after June 15, 1938, with which date the authority contained in this Order expires.

H. GUTHRIE,
Chief Commissioner.

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From
Transport

The Board of
Railway Commissioners for Canada

L. 10000
JUN 15 1938
OFFICE OF THE CHIEF COMMISSIONER

Judgments, Orders, Regulations, and Rulings

XXVIII

Ottawa, June 15, 1938

No. 6

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the King's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the King's Printer, Ottawa.

ORDER No. 55909

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

TUESDAY, the 17th day of May, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.R.C. No. 767, filed by the Témiscouata Railway Company under Section 9 of the Maritime Freight Rates Act be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 767, approved herein, is 70 cents per ton of 2,000 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55952

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 26th day of May, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 91-B of Supplement No. 15 to Tariff C.R.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 91-B of Supplement No. 15 to Tariff C.R.C. No. 986, approved herein, will be the 3rd class rates covered by previous order or orders of the Board.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55953

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 26th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 472-B of Supplement No. 23 to Tariff C.R.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act be, and they are hereby, approved subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 472-B of Supplement No. 23 to Tariff C.R.C. No. 1006, approved herein, will be the 3rd class rates covered by previous order or orders of the Board.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55947

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant Company," for permission to file on less than statutory notice a supplement to amend its Tariff C.R.C. No. E-4322.

File No. 27612.182

FRIDAY, the 27th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant Company published, in item 40 of Supplement 44 to its Tariff C.R.C. No. E-4322, a rate of 4 cents per 100 pounds on pulpwood, carloads, from Doak, Fredericton, Rusagonis, and Waasis, New Brunswick, to West Saint John, New Brunswick, applicable only on traffic for furtherance, but omitted to include therein a restriction that it was not to apply from intermediate points, and was issued to meet water competition; and it is desired to make correction on less than statutory notice—

It is ordered: That the Applicant Company be, and it is hereby, granted leave to file on five days' notice a supplement to its Tariff C.R.C. No. E-4322 to amend Item 40 by the addition of a clause reading, "Issued to meet water competition, will not apply from intermediate points."

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55957

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 27th day of May, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 3925A of Supplement No. 5 to Tariff C.R.C. No. E-4840, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the proportions of joint rates to be reported for the Temiscouata Railway at 10 cents per 100 pounds, the Canadian Pacific Railway Company the balance.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 3925A of Supplement No. 5 to Tariff C.R.C. No. E-4840, approved herein, are as follows:—

Item 3925A	To	Cents per 100 pounds
	Cabano, Que.	} 37½
	Notre Dame du Lac, Que.	
	Temiscouata Railway Company's proportion	12½
	Canadian Pacific Railway Company balance.	

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55971

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

SATURDAY, the 28th day of May, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

The Board orders:

1. That the toll published in Tariff C.R.C. No. 199, filed by the Fredericton & Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 199, approved herein, is \$2.45 per ton of 2,000 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 55972

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

SATURDAY, the 28th day of May, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 50 to C.R.C. No. E-1247
Supplement 46 to C.R.C. No. E-2248
Supplement 2 to C.R.C. No. E-2762

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55975

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 30th day of May, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 7 to Tariff C.R.C. No. E-2629
Tariff C.R.C. No. E-2803
Tariff C.R.C. No. E-2804

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 55983

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for permission to cancel on less than statutory notice collection and delivery service at Hepworth, in the Province of Ontario.

File No. 27612.183

FRIDAY, the 3rd day of June, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Whereas the Applicants' Tariff C.R.C. No. E-2604 provides commodity rates, including charge for pick-up and/or delivery service on less than carload shipments at Hepworth, Ontario, and it is stated in the application that the

principal reason for including Hepworth was due to the location at that point of a manufacturing plant which has now abandoned its operations and moved elsewhere, with the result that there is a negligible volume of less than carload traffic on which pick-up and delivery service is required; also, that the cartage contractor has served notice that the contract with him will be cancelled, effective as of June 6, 1938; and it is desired to eliminate Hepworth as a pick-up and delivery station not later than that date—

It is ordered: That the Applicants be, and they are hereby, permitted to file an amendment to their Tariff C.R.C. No. E-2604, on one day's notice, cancelling Hepworth, Ontario, as a station at which collection and/or delivery service will be performed.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 55984

In the matter of the application of the Wabash Railway Company, hereinafter called the "Applicant Company," for permission to publish, on less than statutory notice, a new tariff naming amended rail-lake rates on refrigerators and paper cans from Chicago, Illinois, to Montreal, Quebec.

File No. 27612.184

FRIDAY, the 3rd day of June, A.D. 1938.

S. J. McLEAN, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner*

Whereas the Order of the Board No. 55893, dated May 16, 1938, permitted Agent B. T. Jones to file a new tariff naming revised joint lake-and-rail and rail-lake-and-rail domestic class rates between certain points, including Chicago, Illinois, and points in Eastern Canada east of Depot Harbour, Port McNicoll, and Sudbury, Ontario;

And whereas the Applicant Company's rail-lake rates on refrigerators and paper cans from Chicago, Illinois, to Montreal, Quebec, via Detroit, are now considerably out of line in view of the revisions which will become effective June 10, 1938, as authorized by the said Order; and, in order to continue to keep the rail-lake rates published by the Applicant Company on a uniform basis with the rates via lake-rail it is desired that the proposed rates be published on less than statutory notice; and similar application having been made to the Interstate Commerce Commission—

It is ordered: That the Applicant Company be, and it is hereby, granted leave to file a new tariff naming increased rates, as referred to in the application, effective upon one day's notice, but not earlier than June 10, 1938, subject to the necessary authority being received from the Interstate Commerce Commission.

S. J. McLEAN,
Assistant Chief Commissioner.

June 2nd, 1938.

ORDER No. 55986

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.12

FRIDAY, THE 3RD DAY OF JUNE, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.**The Board orders:*

1. That the toll published in item 3110 of Supplement No. 6 to Tariff C.R.C. No. E-4840, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 3110 of Supplement No. 6 to Tariff C.R.C. No. E-4840, approved herein, is 25 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 55987

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

FRIDAY, THE 3RD DAY OF JUNE, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.R.C. No. 1078, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act; the said company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 1078, approved herein, are also shown below namely:—

		Cents per 100 pounds					
		Via Halifax, N.S.			Via Saint John or West Saint John, N.B.		
From		A	B	C	A	B	C
Bridgetown, N.S...	..Tariff	20	20	18	7.6	7.6	7.7
	Normal	24½	24½	21½	9.5	9.5	9.6
Lawrencetown, N.S...	..Tariff	...	20	18	....	7.9	6.6
	Normal	...	24½	22½	....	8.7	7.9
Middleton, N.S...	..Tariff	20	20	18	8.2	8.2	7.5
	Normal	24½	24½	22½	10.3	10.3	9.4
Kingston, N.S. ....	..Tariff	20	20	18	7.7	7.7	6.6
	Normal	25	24	22	8.8	8.8	7.9
Aylesford, N.S...	..Tariff	20	20	18	7.7	7.7	6.6
	Normal	25	24	22	8.8	8.8	7.9
Berwick, N.S. ....	..Tariff	...	20	17	....	7.6	6.5
	Normal	...	24	21½	....	9.5	8.1

From	Cents per 100 pounds					
	Via Halifax, N.S.			Via Saint John or West Saint John, N.B.		
	A	B	C	A	B	C
Waterville, N.S.	Tariff 20	20	17	10.2	10.2	8.6
	Normal 25	24	21½	12.7	12.7	10.7
Lakeville, N.S.	Tariff . . .	20	18	....	10.3	9.5
	Normal . . .	24	22	....	12.5	11.8
Port Williams, N.S.	Tariff . . .	16	15	....	7.8	7.1
	Normal . . .	19	18	....	9.5	8.9
Wolfville, N.S.	Tariff . . .	16	15	....	7.8	7.1
	Normal . . .	19	18	....	9.5	8.9

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF RAILWAY COMMISSIONERS, APRIL, 1938

Railway accidents 94 with 14 killed and 95 injured
 Railway accidents at highway crossings .. 14 with 9 killed and 15 injured

	Killed	Injured
Passengers . . . . .	..	25
Employees	5	56
Others	18	29
	<u>23</u>	<u>110</u>

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

NOVA SCOTIA

Accidents K. I.

- 1 - 1 Auto Truck—Truck drove onto crossing in front of approaching train and was struck. Licence NS C-10-222.

QUEBEC

- 1 1 - Pedestrian—Pedestrian crawled under crossing gates which had been lowered and was struck by train.
 1 1 1 Automobile—Auto driver failed to stop for crossing; ran into side of train. Licence Que.102731.
 1 - 1 Automobile—Auto driver failed to stop for crossing; struck by train. Licence Que.65035.

ONTARIO

- 1 1 - Pedestrian—Pedestrian walked under gates which were in lowered position; struck by train.
 1 - 1 Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence Ont.9-S-654.
 1 - 1 Automobile—Auto struck by light engine. Licence Ont.9-F-204.
 1 5 1 Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence Ont.791-T-6.
 1 - 1 Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence Ont.92-M-40.
 1 - 3 Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence Ont.203-K-6.

MANITOBA

- 1 - 3 Automobile—Auto struck by track motor car. Licence Man.41080.
 1 - 1 Auto Truck—Truck ran into side of train. Licence Man.PSV-475.

SASKATCHEWAN

- 1 - 1 Auto Truck—Truck drove onto crossing in front of approaching train and was struck. Licence Sask.CV-572.
 1 1 - Pedestrian—Pedestrian, attention focussed on east bound train, stepped foul of west bound train and was struck.

Of the 14 accidents at highway crossings, 10 occurred at unprotected crossings and 4 at protected crossings.

Eleven of the accidents occurred after sunrise, and three after sunset.

SUMMARY OF ORDERS ISSUED BY THE BOARD

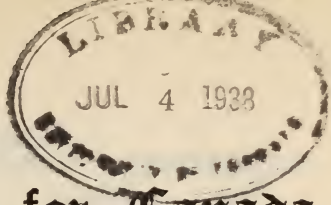
- 55852 Apr. 30—Refusing application of Chamber of Commerce of Roberval, Que., for an order directing the C.N.R. to appoint and maintain station agents at Bilodeau, St. Prime, and Albanel, Que.
- 55853 May 2—Declaring the C.P.R. crossing of Elphinstone St., near Regina Station, Sask., protected to Board's satisfaction.
- 55854 May 2—Declaring the C.N.R. crossing first east of Carragana Station, Sask., protected to Board's satisfaction.
- 55855 May 2—Authorizing the C.P.R. to remove the caretaker at McGillivray Station, B.C.
- 55856 May 2—Approving Bylaw of the City of St. Catharines, Ont., *re* sounding of whistles.
- 55857 May 4—Amending Order No. 54396 dated June 3, 1937, *re* grade separation where the C.N.R. intersect Victoria Park Avenue being town line between Scarborough and Toronto, Ont.
- 55858 May 3—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55859 May 3—Authorizing the C.N.R. to construct crossing across Bacon Road at mileage 6·97 Loggieville Subdv., N.B.
- 55860 May 2—Authorizing the Dept. of Highways for Ontario to construct two subways under the C.N.R. on King's Highway No. 20, County of Wentworth, Ont.
- 55861 May 4—Authorizing the C.N.R. to discontinue flag station at Niles Corners, Ont., as a stopping place for mixed trains Nos. 352 and 353, etc.
- 55862 May 4—Authorizing the C.N.R. to remove two bells installed at crossing mileage 40·69 Uxbridge Subdv.
- 55863 May 4—Requiring the C.N.R. to install an automatic bell and wigwag at crossing at mileage 10·6 Springhill Subdv.
- 55864 May 5—Approving supplement to exchange and toll line agreement between Bell Telephone Co. and Chappleau Telephone System, Ltd.
- 55865 May 5—Extending time within which branch line and three spurs to serve Swift Canadian Co., Ltd., St. Boniface, Man., may be completed (C.P.R.).
- 55866 May 6—Authorizing the C.N.R. to file on three days' notice a supplement to Tariff C.R.C. No. E-2636.
- 55867 May 6—Directing the C.N.R. to have all train movements on side track over the crossing of highway near Winfield, B.C., flagged by member of train crew.
- 55868 May 5—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 55869 May 6—Requiring the C.N.R. to install two wigwags and one bell at crossing of Town Line Road between Township of Louth and Township of Clinton, Ont.
- 55870 May 6—Authorizing the C.N.R. to reconstruct bridge over Sundance Creek at mileage 6·5 Brule Subdv.
- 55871 May 9—Authorizing the Bangor & Aroostook Railroad Co. to file a new tariff cancelling its Tariffs C.R.C. Nos. 795 and 875 to correct error.
- 55872 May 7—Refusing application of United Farmers of Manitoba, Birnie Local, for an order requiring the C.N.R. to appoint a station agent at Birnie.
- 55873 May 7—Ordering that unless work of constructing subway under the C.N.R. on Perron Boulevard, Village of Val Brilliant, Que., is undertaken within two months that Order No. 52356 be rescinded.
- 55874 May 7—Approving By-law of Town of Gananoque, Ont., *re* sounding of whistles.
- 55875 May 9—Relieving C.P.R. from maintaining cattle guards at highway crossings at mileage 83·46 and 84·77 Ste. Agathe Subdv.
- 55876 May 9—Approving corrected copy of Appendix "A" to Traffic Agreement between the Bell Telephone Co. and Princeton & Drumbo Telephone Co., Ltd.
- 55877 May 9—Approving traffic agreement between Bell Telephone Co. and the Cold Springs Rural Telephone Co., Ltd.
- 55878 May 9—Approving clearances at building located on siding serving Cow & Gate (Canada) Ltd., Gananoque, Ont. (C.N.R.).
- 55879 May 10—Declaring the C.N.R. crossing of Waller Ave., mileage 1 Letellier Subdv., Man., protected to Board's satisfaction.
- 55880 May 10—Authorizing the C.N.R. to operate bridges at mileage 59·2 Oakland Subdv., and 13·2 Delta Subdv.
- 55882 May 10—Approving proposed location of storage tank, etc., of British American Oil Co., Ltd., at Wood Mountain, Sask. (C.P.R.).
- 55883 May 11—Authorizing the Algoma Central & Hudson Bay Railway Co. to file supplement No. 3 to its tariff C.R.C. No. 965.
- 55884 May 10—Authorizing the C.N.R. to construct a highway crossing of their railway on road allowance east of sec. 7, 1, 16, E.P.M., Man.
- 55885 May 10—Authorizing the C.N.R. to operate bridge at mileage 3·0 Delta Subdv.
- 55886 May 10—Declaring the Montreal & Southern Counties Rly., crossing first public crossing west of Devonshire Station, Greenfield Park, Que., protected to Board's satisfaction.

- 55887 May 11—Slightly amending Order No. 55752 *re* protection at crossing mileage 6.0 Newport Subdv.
- 55888 May 11—Extending time within which bell and wigwags may be installed as provided by Order No. 55588.
- 55889 May 12—Authorizing the C.N.R. to operate bridge reconstructed at mileage 44.0 Porter Subdv.
- 55890 May 12—Authorizing the Dept. of Highways for Ontario to construct level crossing over C.N.R. on the Kinmount-Gooderham Road, near Furnace Falls Station, Ont.
- 55891 May 12—Approving clearances of porch over warehouse door proposed to be located on branch line serving Lawson Lithographing & Folding Box Company, Ltd., Montreal (C.P.R.).
- 55892 May 14—Authorizing the C.P.R. to file an amendment to its Tariff C.R.C. No. E-4814 upon five days' notice cancelling Mont Rolland, Que., as a station at which collection and/or delivery service will be performed.
- 55893 May 16—Ordering that B. T. Jones & G. C. Ransom, Agents, be granted leave to file for and on behalf of carriers a new tariff naming joint lake-and-rail and rail-lake-and-rail domestic class rates as referred to in the application, effective upon ten days' notice, subject to necessary authority from Interstate Commerce Commission.
- 55894 May 13—Rescinding Order No. 48653 providing for caretaker at Cassils, Alta., during winter months only. (C.P.R.)
- 55895 May 13—Approving supplement to traffic agreement between the Bell Telephone Co. and the Missisquoi Telephone Co.
- 55896 May 13—Approving supplement to service station contract between Bell Telephone Co. and F. E. Came Telephone Line.
- 55897 May 13—Approving agreement between Algoma Central & Hudson Bay Railway Co. and the Algoma Central Telephone Co. Ltd.
- 55898 May 13—Approving Appendix "A" to traffic agreement between Bell Telephone Co. and the Capreol Telephone Co., Ltd.
- 55899 May 13—Approving Traffic Agreement between the Bell Telephone Co. and the Commissioners for Telephone System of the Municipality of Bruce.
- 55900 May 13—Authorizing the New York Central Railroad Co. to discontinue operating Courtright Station, Ont., as an open station.
- 55901 May 14—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the C.N.R. under sec. 3.
- 55902 May 16—Approving traffic agreement between the Bell Telephone Co. and the Norfolk & Tillsonburg Telephone Co., Ltd.
- 55903 May 18—Authorizing the C.N.R. and C.P.R. to file on three days' notice supplements to their tariffs C.R.C. Nos. E-2115 and E-4840, cancelling rate of 25 cents per 100 pounds on fuel oil in tank cars, carloads, from Montreal to Sault Ste. Marie.
- 55904 May 16—Authorizing the C.P.R. to install certain protection at certain crossings in City of Chatham, Ont.
- 55905 May 16—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplement to tariff filed by the Fredericton & Grand Lake Coal & Railway Co. under sec. 9.
- 55906 May 16—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55907 May 17—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 55908 May 17—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the Temiscouata Railway Co. under sec. 9.
- 55910 May 17—Requiring the C.N.R. to install double bells and wigwags at crossing of Muskoka Road just south of station at Gravenhurst, Ont.
- 55911 May 19—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 55912 May 19—Approving By-law No. 4 authorizing the General Manager and Superintendent of Traffic and Transportation of the Express Department, C.N.R., to issue tariffs of every description of express tolls, etc.
- 55913 May 18—Approving corrected Appendix "A" to agreement between the Bell Telephone Co. and the Pefferlaw Telephone Co., Ltd.
- 55914 May 18—Authorizing the Municipal District of Hazelwood No. 579, the Municipal District of Opal No. 578 and the Village of Clyde, Alta., to construct highway crossing of the C.N.R. at Clyde, Alta.
- 55915 May 18—Authorizing the C.P.R. to remove station agent at Cavan, Ont.
- 55916 May 18—Authorizing the C.N.R. to operate through rock shed constructed at mileage 93.7 Ashcroft Subdv., B.C.
- 55917 May 18—Authorizing the C.N.R. to operate through rock shed constructed at mileage 94.4 Ashcroft Subdv., B.C.

- 55918 May 18—Approving traffic agreements between the Bell Telephone Co. and Omer Guevremont, La Compagnie de Telephone de St. Jude, La Compagnie de Telephone de St. Theodore, and La Compagnie de Telephone Rurale de St. Germain de Grantham.
- 55921 May 18—Authorizing the C.N.R. to reconstruct bridge at mileage 33.9 Cowichan Subdv., B.C.
- 55923 May 18—Authorizing the C.P.R. to construct two branch lines to serve Non-Skid Pavement, Ltd., at mileage 90.78 Havelock Subdv., Ont.
- 55924 May 19—Extending time within which double bells and wigwags may be installed by the C.P.R. as provided in Order No. 55285.
- 55925 May 19—Extending time within which bell and wigwag may be installed by C.N.R. as provided by Order No. 55687.
- 55926 May 19—Declaring the Dominion Atlantic Railway crossing, mileage 44.71 Kentville Subdv., protected to Board's satisfaction.
- 55927 May 19—Amending Order No. 46408 to provide that the Toronto and York Roads Commission bear and pay the proportion of maintenance cost of bells and wigwags at crossing of Jane St. by the C.P. and C.N. Rys heretofore borne by Township of York and Township of North York.
- 55928 May 20—Approving proposed location of warehouse, tanks, and pipe lines of North Star Oil Co., Ltd., near tracks of C.N.R. at Preeceville, Sask.
- 55929 May 20—Approving proposed location of unloading standard adjacent to C.N.R. industrial track at Radville, Sask., in order to reach oil plant of Hi-Way Refineries, Ltd.
- 55930 May 20—Approving proposed location of additional storage tank of the British American Oil Co., Ltd., near tracks of the Northern Alberta Railways Co. Rycroft, Alta.
- 55931 May 20—Approving proposed location of warehouse, etc., of McColl-Frontenac Oil Co. near tracks of C.N.R. at Canora, Sask.
- 55932 May 20—Approving proposed location of additional storage tank of the British American Oil Co., Ltd., near tracks of the Northern Alberta Railways Co. at Grimshaw, Alta.
- 55933 May 20—Approving traffic agreements between the Bell Telephone Co. and Beatty Telephone System and Stanislas Lussier.
- 55935 May 20—Approving proposed location of additional storage tank of British American Oil Co., Ltd., near tracks of Northern Alberta Railways Co. at High Prairie, Alta.
- 55936 May 20—Approving proposed location of additional storage tank of the British American Oil Co., Ltd., near tracks of the Northern Alberta Railways Co., at Berwyn, Alta.
- 55937 May 20—Approving proposed location of additional storage tank of the British American Oil Co., Ltd., near tracks of Northern Alberta Railways Co., at Dawson Creek, B.C.
- 55938 May 20—Declaring the Toronto, Hamilton & Buffalo Railway crossing at mileage 35.28 Waterford Subdv., protected to Board's satisfaction.
- 55939 May 20—Approving plan and profile dated Nov. 16, 1937, showing location of crossing approved under Order No. 54791 at mileage 80.78 Sherbrooke Subdv., instead of mileage 80.8 in lieu of plan and profile dated August 20, 1936, approved under Order No. 54791.
- 55940 May 20—Approving traffic agreement between the Bell Telephone Co. and La Compagnie de Telephone de St. Amable et St. Julie.
- 55941 May 21—Approving proposed relocation of C.P.R. station platform at Salamanca, N.B.
- 55942 May 23—Declaring the C.N.R. crossing at Egerton St., London, Ont., protected to Board's satisfaction.
- 55953 May 23—Authorizing the New York Central Railroad Co. to remove station agent at Ruscomb, Ont., and appoint caretaker.
- 55944 May 23—Refusing application of W. J. Ward, M.P., of Dauphin, Man., for an order requiring the C.N.R. to appoint a station agent at Rorketon, Man.
- 55945 May 23—Extending time within which bells and wigwags may be installed under Orders Nos. 55547 and 55474.
- 55946 May 27—Authorizing the C.P.R. to file on five days' notice a supplement to its tariff C.R.C. No. E-4322 to amend Item 40 by the addition of a clause reading, "Issued to meet water competition, will not apply from intermediate points."
- 55948 May 23—Authorizing the C.P.R. to construct a branch line for Canadian Gypsum Co., Ltd., at Weston, Ont.
- 55949 May 23—Declaring the C.N.R. crossing at mileage 37.0 Rapid City Subdv. protected to Board's satisfaction.
- 55950 May 26—Authorizing the C.N.R. to install a 50-ft. D.P.G. span on pile piers replacing a portion of existing trestle at mileage 9.3 Skeena Subdv.

- 55951 May 26—Extending time within which wigwag signals may be installed under Order No. 55567.
- 55952 May 26—Approving under Maritime Freight Rates Act, sec. 3 subsec. 3, tolls published in item of supplement to tariff and tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 55954 May 26—Declaring the C.P.R. crossing at mileage 88·3 Chalk River Subdv., protected to Board's satisfaction.
- 55955 May 28—Declaring the C.P.R. crossing first east of Cedar Park Station, Que., protected to Board's satisfaction.
- 55956 May 26—Requiring the C.P.R. to install two wigwags and one bell at crossing of the Trans-Canada Highway at Rosport, Ont.
- 55957 May 27—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
- 55958 May 27—Approving traffic agreement between the Bell Telephone Co. and the Mono Mills Telephone Co., Ltd.
- 55959 May 26—Requiring the C.N.R. to install two wigwags and one bell at crossing of Highway No. 11 near Washago, Ont.
- 55960 May 23—Declaring the C.P.R. crossing at mileage 59·16 Chalk River Subdv. protected to Board's satisfaction.
- 55961 May 27—Requiring the C.N.R. to do certain work at spur of the Huff Gravel Ltd., west of Edmonton, Alta.
- 55962 May 26—Requiring the C.N.R. to install two wigwags and one bell at crossing of Highway No. 11 near Washago, Ont.
- 55963 May 27—Extending time within which bell and wigwag may be installed under Order No. 55703.
- 55964 May 27—Approving clearances of loading bin located on branch line serving Building Products & Coal Co., Ltd., at Birds Hill Ballast Pit, Man. (C.P.R.).
- 55965 May 26—Authorizing C.N.R. to remove gates at crossing of King St., Waterloo, Ont., etc.
- 55966 May 26—Authorizing the C.N.R. to bond their tracks at crossing of Lake Road (Nelson Road), Grimsby, Ont., to provide operation of bells on both tracks against current of traffic.
- 55967 May 30—Approving proposed location of additional gasoline tank of Gooderich Refining Co., Ltd., at Port Credit, Ont (C.N.R.).
- 55968 May 23—Declaring the C.P.R. crossing at mileage 6·74 Winchester Subdv. protected to Board's satisfaction.
- 55969 May 23—Extending time within which bell and wigwag may be installed as required by Order No. 55543.
- 55970 May 28—Approving crossing of the C.N.R. siding serving the Canada China Clay, Ltd., at Kasil, Que., by a diversion of the public road.
- 55971 May 28—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, toll published in tariff filed by the Fredericton and Grand Lake Coal and Railway Co. under sec. 9.
- 55972 May 28—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55973 May 31—Authorizing the Municipal District of Flin Flon, Man., to construct a highway crossing over the C.N.R. at Channing, Man.
- 55974 May 31—Approving plan showing location of pipe line of the Shell Oil Company of Canada, Ltd., near the C.P.R. siding at Owen Sound, Ont.
- 55975 May 30—Approving under Maritime Freight Rates Act, sec. 3, subsec. 3, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 55976 May 30—Extending time within which bell and wigwag may be installed as required by Order No. 55591.
- 55977 May 30—Extending time within which bell and wigwag may be installed as required by Order No. 55611.
- 55978 May 30—Authorizing the C.N.R. to open for carriage of traffic certain portion of the revised location of their Bulkley Subdv., B.C.

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**The Board of
Railway Commissioners for Canada**

Judgments, Orders, Regulations, and Rulings

XXVIII

Ottawa, June 18, 1938

No. 7

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the King's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the King's Printer, Ottawa.

Dangerous Practices of Motorists, Drivers of Other Vehicles, and Pedestrians at Protected Crossings

In many cases accidents at highway crossings are due to negligence of those driving automobiles and other vehicles and of pedestrians. This negligence is found both at unprotected and protected crossings.

The Canadian National Railway lines from November 1, 1937, to April 30, 1938, show 125 cases where there was danger at protected crossings due to the negligence of those using the crossings.

The Canadian Pacific Railway from October 1, 1937, to March 31, 1938, shows a total of 225 cases.

Notwithstanding safety devices and cautionary signals, people take chances and disregard safety. Motor accidents are becoming more frequent. Every sane motorist deplors this.

The Board hopes that the press will give as much publicity as possible to what is covered in the statement, with the hope that it may educate motor drivers and others to be more careful at crossings.

Some of the dangerous practices of careless drivers at highway crossings are set forth in the following lists. The most effective method of lessening such practices is through a program of education by the Press.

CANADIAN NATIONAL RAILWAY

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Oct. 23.....	1937 3.35 p.m....	First public crossing north of Utterson Station, Ont. M.23.2, Huntsville S.D..	3-P-107.....	Auto approached crossing with windshield obscured by snow, and proceeded over crossing with wigwag operating and was struck by engine.
Nov. 3.....	2.43 p.m....	Water St., Summerside, P.E.I.	P.E.I. 6130....	Ignored stop signal.
Nov. 6.....	1.05 p.m....	Barton St. and Ferguson Ave., Hamilton, Ont..	Ont. 871-D-8....	Auto approached crossing at excessive rate of speed, running into gate.
Nov. 6.....	1.07 p.m....	Cannon St., Hamilton, Ont.	Ont. 7-E-529...	Auto passed watchman with "stop disc" displayed and other autos.
Nov. 6.....	11.40 K.....	1st Crossing East Melfort Yard, Melfort, Sask.	Sask. 5541.....	Truck drove onto crossing in front of engine.

CANADIAN NATIONAL RAILWAY—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Nov. 6.....	7.10 p.m...	Atwater Ave., Montreal, Que.	Que. F. 19442...	Auto failed to stop for red lamp.
Nov. 7.....	11.30 p.m...	Muskoka Rd., Highway No. 11, M. 111.8 New- market Sub., Graven- hurst, Ont.	.....	Auto failed to see flagman's signal to stop; swerved to avoid striking cars on crossing and struck Brk. Trinnell, the flagman, knocking him over fence injuring his left knee. Auto travelling high rate of speed.
Nov. 9.....	11.33 a.m...	Wallace Ave., Bathurst St. Stn., Toronto, Ont.	Ont. 2-P-775....	Auto failed to observe Signals. Damaged crossing gates.
Nov. 11.....	2.15 p.m...	Echo Drive, Ottawa, Ont.	Ont. 54-W-74....	Auto speeded over crossing against stop sign in face of approaching train.
Nov. 16.....	4.55 p.m...	Water St., Summerside, P.E.I.	P.E.I. 4479.....	Auto ignored Stop signal red light.
Nov. 26.....	12.15.....	St-Adolphe St., Quebec, P.Q.	Que. L-6099....	Truck tried to pass ahead of train, apparently brakes did not work properly.
Nov. 18.....	5.29 p.m...	First public crossing north Palgrave, M. 48.9 Milton, Sub.	Ont. 726-U-6....	Auto driver did not see train until too close and ran into motor coach. Proper crossing signals sounded.
Nov. 18.....	10.30 p.m...	Dundas St., London, Ont..	6-F-236.....	Auto stopped at crossing which was protected by yardman swinging red hand lamp, then proceeded over tracks and barely escaped being struck by cars.
Nov. 19.....	10.25 a.m...	St. George St. North, St. Thomas, Ont.....	Ont. 26191-C....	Auto passed train when "Stop" sign against him.
Nov. 22.....	6.45 p.m...	Front St., Toronto, Ont...	Ont. 3-X-844....	Auto failed to observe signals. Damaged gates.
Nov. 22.....	10.55 a.m...	Water St., Summerside, P.E.I.	P.E.I. T-481....	Ignored "Stop" signals.
Nov. 23.....	6.50 p.m...	Atwater Ave., Montreal, P.Q.	Que. 37301.....	Auto failed to stop for red lantern.
Nov. 24.....	7.30 a.m...	Egerton St., London, Ont.	748-E-4.....	Auto driver failed to heed warning of crossing watchman and stalled on track in front of passenger train, and barely cleared track in time to avoid being struck by train.
Nov. 25.....	20.30 K....	Public crossing, M.P. 40.37, Drumheller Sub., Calgary, Alta.	Alta. 81-925....	Auto driver failed to make sure crossing clear before driving onto same.
Nov. 25.....	.....	Private crossing, M.P. 65.71 Holden, Viking Sub. Edmonton, Alta.	Alta. 41-775....	Drove auto into side of train This extra was standing at time waiting for train to pass.
Nov. 25.....	.....	Public crossing M.P. 20.02, Wabamun Sub. Edmon- ton.	Alta. 11-580....	Auto collided with engine. En- gine bell was ringing and whistle had been sounded but driver was not paying attention as he was trying to find out why his car was not steering correctly.
Nov. 25.....	.....	Private crossing, M.P. 38.28, Camrose Sub. Edmonton, Alta.	Alta. 28-476....	Auto attempted to cross crossing in front of approaching train, after engine whistle had been sounded and bell ringing, re- sulting in automobile running into side of engine.
Nov. 25.....	9.45 p.m...	Main St., Ottawa, Ont....	Ont. 53057-C....	Truck, on account of defective brakes, ran into and damaged crossing gates.
Nov. 25.....	.....	129th Ave., Edmonton, Alta.	A-1901 and P-853	Truck drove into side of engine tender. Engine whistle had been sounded and bell ringing.
Nov. 27.....	4.55 K....	Public crossing, M.P. 62, Asquith Sub., Saskatoon Division.	Sask. 17-694....	Auto stalled on public road cross- ing. Struck by engine.
Nov. 26.....	12.20 a.m...	Cedar Ave., Shawinigan Falls, P.Q.	Que. 105-202....	Auto struck by switcher. Driver of auto claimed did not hear train coming.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Nov. 27.....	18.10 K.....	24th Street, Saskatoon, Sask.	Sask. W.T. 147.	Auto narrowly escaped running into train. Deliberately disregarded stationary "Stop" signs.
Nov. 29.....	6.30 p.m....	Victoria St. W., Amherst, N.S.	.....	Auto drove through crossing gates.
Nov. 30.....	19.15 K.....	Public crossing M.P. 59.1 Drumheller Subdivision (Superior Grade Mine Spur).	.....	Auto truck driver failed to make sure crossing was clear before driving onto same.
Dec. 4.....	3.25 p.m....	Lotteridge St., Hamilton, Ont.	Ont. 4-E-858...	Auto ran through crossing gates which were lowered at the time.
Dec. 4.....	5.55 p.m....	Downie St., Stratford, Ont.	78-L-31.....	Auto crossed through watchman's red light when train backing up had reached the pavement.
Dec. 5.....	3.30 a.m....	Queen St., Moncton, N.B..	17-554.....	Auto went through lowered gates. Bell on.
Dec. 6.....	4.30 p.m....	Water St., Summerside, P.E.I.	P.E.I. T-655....	} Ignored "Stop" signal.
Dec. 6.....	4.50 p.m....	Barton St.-Ferguson Ave., Hamilton, Ont.	1584.....	
Dec. 6.....	7.30 a.m....	.....	Ont. 6156-C....	Auto approached crossing at excessive speed and ran into crossing gates.
Dec. 6.....	11.40 a.m....	First public crossing west of St. Ursule Station, Grand'Mere Sub'd'n.	Que. L-3828....	Truck drove onto track in front of train; evidently did not stop to see if train approaching. Truck struck and demolished.
Dec. 10.....	12.00 Mid- night.	Weston Rd., Toronto, Ont.	43-B-59.....	Auto operated at excessive speed over crossing and failed to observe railway signals.
Dec. 10.....	10.30 a.m....	Young St., Truro, N.S.....	N.S. 81-653....	Auto would not stop for sign.
Dec. 10.....	19.57 K.....	Water Ave., Winnipeg, Man.	Man. 1278-37....	Auto ran against red light.
Dec. 14.....	1.15 p.m....	Water St., Summerside, P.E.I.	P.E.I. 6192.....	Auto ignored "Stop" signal.
Dec. 15.....	9.30 a.m....	Mill St., Saint John, N.B..	C.J. 1680.....	Auto ran into gate, striking it with engine of truck. Driver said he did not see anything as sun was in his eyes. Traffic light on and bells were ringing.
Dec. 15.....	6.30 p.m....	Ottawa St., Hamilton, Ont.	Ont. 8-A-592...	Auto approached crossing at excessive speed. Ran through crossing gates.
Dec. 16.....	17.14 K.....	1st Ave. East, Prince Albert, Sask.	24083.....	Auto drove onto crossing and stopped on track behind engine switching back over crossing.
Dec. 17.....	10.30 p.m....	Front St., Orillia, Ont.....	Ont. 933-S-8....	Auto approached crossing at speed about 40 m.p.h. and ran through east gate breaking tip off.
Dec. 18.....	4.10 p.m....	Main St., Sussex, N.B.....	7903.....	.....
Dec. 20.....	2.15 p.m....	Sherman Ave., Hamilton, Ont.	Ont. 751-D-6....	Auto approached crossing at excessive rate of speed. Ran through crossing gates (lowered).
Dec. 21.....	16.08 K.....	Private crossing, M.P. 61.1 Drumheller Sub'dn.	Alta. 2796 and 1384.	Truck failed to make sure no train approaching crossing before driving onto same.
Dec. 23.....	6.40 a.m....	Atwater Avenue Swing Bridge, Montreal, P.Q.	Que. 66137.....	Auto driver overlooked flagman on crossing.
Dec. 25.....	.....	Bourdages St., St. Hyacinthe, Que.	Que. N 6745....	Auto ran through gates.
Dec. 26.....	12.50 a.m....	King St., Sherbrooke, P.Q.	Que. 138700....	Auto came too fast and brakes applied when driver noticed gates were down, which caused car to skid and hit gate.
Dec. 28.....	21.55 K.....	First Ave. East, Prince Albert, Sask.	81-659.....	Auto driver ignored entirely red light turned against him and proceeded over crossing.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Dec. 29.....	3.40 p.m...	First public crossing north of Everett Station, M. 9.6 Alliston Sub'dn.	Ont. 6217-C....	Truck driver failed to see or hear train until too close to stop, and ran into first car behind engine; proper signals sounded. Driver admitted approaching at speed of 40 m.p.h., and did not think of train.
Dec. 30.....	10.43.....	Christiania Ave., Camrose, Alta.	Alta. PSV-189-A-774.	Truck tried to cross over crossing in front of approaching train.
Dec. 30.....	17.10 K....	118th Avenue, Edmonton, Alta.	Alta. 66-579....	Auto driver drove car into north-east gate. Lamps were lit but stated did not see gates down.
Dec. 31.....	7.30 p.m...	Queen St., Chatham, Ont.	.....	Auto approached crossing at too high a speed taking into consideration the condition of pavements which were covered by ice and heavy rain falling.
1938				
Jan. 2.....	12.45 p.m...	St. John St., Truro, N.S..	51-.....	Auto ran through gate when down, struck by train.
Jan. 3.....	6.15 p.m...	Woodbine Ave., Toronto, Ont.	8-A-240.....	Auto approached crossing from north and stopped, when south gate down and north gate half-way down, then started again over crossing, gate scraping top of auto.
Jan. 4.....	17.11 K....	1st Ave. East, Prince Albert, Sask.	CV-1633.....	Drove onto track and stopped behind engine switching back over crossing.
Jan. 4.....	9.00 a.m...	George St., New Glasgow, N.S.	60-050.....	Auto drove in and broke end of gate.
Jan. 4.....	.....	Junction Rd., Toronto, Ont.	4-C-376.....	Auto did not stop when signalled.
Jan. 7.....	11.20 p.m...	Main St., Hamilton, Ont..	Ont. 757-D-2...	Auto slowed down at stop sign then raced over crossing ahead of train.
Jan. 7.....	2.25 p.m...	Sherman Ave., Hamilton, Ont.	Ont. 78267-C....	Auto approached crossing at excessive rate of speed and ran into gates, damaging them.
Jan. 12.....	3.30 p.m...	Royce Ave., Toronto, Ont.	Ont. 65-913C....	Truck failed to observe Railway signals and operated on wrong side of road, resulted in damage to crossing gates.
Jan. 12.....	7.05 p.m...	Barton St. and Ferguson Ave., Hamilton, Ont.	Unknown.....	Auto approached crossing at excessive speed, and ran into crossing gates which were lowered at the time.
Jan. 12.....	3.15 a.m...	Front St., Toronto, Ont..	Not obtained...	Auto attempted to pass between points of crossing gates which were lowered at the time.
Jan. 14.....	6.35 p.m...	Kipling Ave., Toronto, Ont.	Ont. 23-W-80...	Auto disobeyed stop signal and crossed tracks at excessive speed.
Jan. 15.....	8.10 p.m...	Lindsay St., Lindsay, Ont.	2-R-957.....	Auto stopped for stop signal but proceeded on its way before watchman indicated that all was clear.
Jan. 18.....	.....	Victoria St., Amherst, N.S.	.....	Vehicle (two-horse sled) loaded with coal slewed on icy street; tail end of sled struck and broke protection post and cracked gate arm casting.
Jan. 19.....	.....	Collect Crossing, Lennoxville, Que.	Not obtained...	Auto crossed over at between 30 and 35 m.p.h. without stopping.
Jan. 20.....	3.00 a.m...	Gladstone Ave., Ottawa, Ont.	Ont. 5-U-315...	Auto approached crossing without taking proper care. Auto collided with cars moving over crossing.
Jan. 20.....	17.45 K....	Public Crossing M.P. 14, Rhein Subd., Sask.	.....	Closed cutter (sleigh) drove over crossing in front of train.
Jan. 20.....	4.15 p.m...	Front St., Toronto, Ont..	C-16423.....	Truck ran around set of gates that were down while other gates being lowered.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Jan. 21.....	6.00 p.m...	Ottawa St., Hamilton, Ont.	Ont. 20426-C....	Auto failed to take necessary precautions when approaching crossing on slippery roadway; ignored several warning signals from watchman. Struck gate and damaged it.
Jan. 21.....	8.45 K.....	Water St., Winnipeg, Man.	6805.....	Auto ran against stop signal.
Jan. 22.....	3.30 p.m...	Ferry St., Sydney, N.S...	N.S. 20-877....	Auto ran through south left gate, breaking arm of gate.
Jan. 24.....	2.35 p.m...	Norfolk St., Simcoe, Ont.	Ont. 87-K-19...	Auto ignored crossing watchman's signal and drove onto crossing in front of approaching train.
Jan. 26.....	8.45 a.m...	Front St., Belleville, Ont.	Ont. 31983-C....	Auto drove into crossing gate while lowered.
Jan. 27.....	10.43 a.m...	Walton St., Port Hope, Ont.	Ont. 2-J-685....	Auto disregarded stop signal as wayfreight came from North, and continued over crossing.
Jan. 29.....	5.26 p.m...	St. Sauveur Rd., M.P. 44-37 Montford Subd., P.Q.	Que. L-4575....	Truck apparently did not stop before attempting to cross ahead of train.
Jan. 29.....	14.35 K.....	Levuka crossing M. 69-5, Avonlea Subd., Sask.	.....	Covered sleigh drove over crossing immediately ahead of train. Emergency stop avoided collision.
Jan. 30.....	4.30 a.m...	Wentworth St., Hamilton, Ont.	Ont. 5-E-947....	Auto driver approached crossing carelessly; ignored warning bell; ran into gate and damaged it.
Jan. 31.....	4.05 p.m...	Strachan Ave., Toronto, Ont.	Ont. 655-V-4....	Auto approached crossing at excessive speed and could not stop. Gates down and warning bell ringing when auto approached and ran into crossing sign, breaking post, which fell on gates and damaged them.
Feb. 3.....	4.00 p.m...	College St., Lennoxville, Que.	.....	Pedestrian tried to push up lowered gates in order to allow an automobile to pass over crossing.
Feb. 4.....	2.41 p.m...	Atwater Ave., Montreal, P.Q.	Que. 36102.....	Auto driver ignored flagman's signal to stop.
Feb. 4.....	11.15 p.m...	St. John and Prince Sts., Truro, N.S.	N.S. 15-205....	Auto ran under gate while lowering—broke gate.
Feb. 4.....	2.40 p.m...	Atwater Ave., Montreal, P.Q.	Que. 1-056.....	Auto driver ignored flagman's signal with red flag and failed to stop.
Feb. 4.....	16.10 K.....	Public crossing M.P. 123-06, Three Hills sub- d'n.	Alta. D-12-338.	Truck driver failed to make sure no train approaching crossing before driving onto same. Struck by train.
Feb. 5.....	1.20 a.m...	Atwater Ave., Montreal, P.Q.	Que. 17-104....	Auto driver ignored flagman's signal with red lantern and failed to stop.
Feb. 5.....	20.20 K.....	118 Avenue, Edmonton, Alta.	Alta. 2-147....	Auto approached crossing at high rate of speed and without lights, ran into gates damaging same.
Feb. 5.....	10.45 p.m...	Clarksons public crossing, Ont.	Ont. 3-W-678...	Auto approached crossing at too great a speed in dense fog, breaking crossing gates.
Feb. 7.....	20.45 K.....	Water Av., Winnipeg, Man.	Man. 462.....	Auto went against red light.
Feb. 9.....	7.38 p.m...	Rectory St., London East, Ont.	Ont. 9-F-340....	Auto failed to stop at crossing gates and crashed into them breaking gates.
Feb. 9.....	2.45 p.m...	East Main St., Welland, Ont.	Ont. 25-K-74...	Auto driven over crossing 35 miles per hour when gates being lowered.
Feb. 10.....	9.20 a.m...	King William St., Hamil- ton, Ont.	.....	Vehicle ran around street railway bus and crossed ahead of train.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Feb. 10.....	5.25 p.m...	Bridge St. lead to Wind-mill Point. Montreal, P.Q.	Que. 11977.....	Auto did not stop for red flag in hands of flagman, struck by tender of engine, damaging fender and ditch light.
Feb. 11.....	12.28 p.m...	Echo Drive, Ottawa, Ont.	Ont. 2-U-925...	Auto approached crossing slowly then speeded over directly in front of a train disregarding stop signals.
Feb. 12.....	2.25 p.m...	College St., Lennoxville, P.Q.	Que. 72-174.....	Auto stopped on Main Line of C.N.R., while C.P.R. train passing.
Feb. 13.....	15.40 K.....	Avenue "H," Saskatoon, Sask.	Sask. T-319.....	Auto. approached crossing at grade so rapidly that driver could not stop car, and struck passing train.
Feb. 16.....	7.00 p.m...	Atwater Ave., Montreal, P.Q.	Que. 45522.....	Auto failed to stop for red lamp in hands of flagman.
Feb. 16.....	7.30 a.m...	College St., Lennoxville, P.Q.	Que. T-1251....	Auto (taxi) meeting C.P.R. train was about to leave station before that train cleared crossing and stopped on C.N.R. crossing until gates were raised.
Feb. 17.....	19.15 K.....	Water Ave., Winnipeg, Man.	Man. 5.070.....	Auto went by red light.
Feb. 19.....	2.32 p.m...	Laframboise St., St. Hyacinthe, P.Q.	81260.....	Auto, running at high speed, nearly struck two sectionmen at work.
Feb. 23.....	11.45 p.m...	Main St., Hamilton, Ont..	Ont. 10-D-69...	Auto stopped at crossing until train about 10 or 12 yards from crossing then drove over crossing, disregarding stop signal.
Feb. 25.....	9.25 p.m...	Ridout St., London, Ont..	Ont. 14-F-55...	Auto failed to stop at gates and crashed through them and over crossing ahead of train, and was very nearly struck.
Feb. 26.....	2.00 p.m...	Josephine St., Wingham, Ont.	22-L-13.....	Auto failed to stop at watchman's signal, car then stalled on track on which train was 10 feet away. Train stopped.
Feb. 27.....	2.35 a.m...	Strachan Ave., Toronto,	Ont. 5-Y-457...	Auto disobeyed warning signals and attempted to go over crossing before gates lowered, but could not do so and struck gate damaging it.
Mar. 2.....	4.00 p.m...	Ferry St., Sydney, N.S...	C-17-571.....	Auto driven too fast approaching crossing. Car not under control; ran into and broke right arm of gate.
Mar. 5.....	10.15 p.m...	Racine St., Chicoutimi,	Que. 99-509.....	Auto ran into side of train. Did not stop coming onto crossing.
Mar. 6.....	1.38 a.m...	Thames St., Ingersoll, Ont	Ont. 3-F-638....	Auto approached crossing at too high speed and ran through crossing gates which were lowered.
Mar. 9.....	4.15 a.m...	Bronson Ave., Ottawa, Ont.	Ont. 55-U-78...	Auto travelling at 35 miles per hour crashed into south gate, breaking first section of gate. Did not wait and unable to get his name.
Mar. 10.....	9.40 a.m...	Queen St., Chatham, Ont.	Ont. 82-F-42....	Auto driven too close to gates before brakes applied. Brakes not operating properly.
Mar. 11.....	19.25 K.....	Sixth St., Brandon, Man...	53-560.....	Auto came over crossing when stop signal showing.
Mar. 17.....	1.40 p.m...	Water St., Summerside, P.E.I.	P.E.I. 6192.....	Auto driver ignored stop signal.
Mar. 19.....	22.18 K.....	Near private crossing east of station, Semans, Sask.	Sask. 1456.....	Auto drove over tracks east of private crossing in front of approaching train.
Mar. 21.....	3.15 p.m...	Ferry St., Sydney, N.S...	74-466.....	Auto speeding approaching crossing; ran into gate while down; damaging left arm.
Mar. 25.....	5.30 a.m...	Bridge St., Montreal, P.Q.	Que. B-1888....	Auto passed red lamp and almost struck yardman who was flagging crossing.

CANADIAN NATIONAL RAILWAY—*Concluded*

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Apr. 2.....	11.12 a.m...	Ridout St., London, Ont..	.....	Pedestrian walked around crossing gate which was down and entered upon crossing and was struck by train. Instantly killed.
Apr. 7.....	9.15 p.m...	Logan Ave., Toronto, Ont.	350-A-9.....	Auto, southbound, passed gates being lowered; entered crossing on wrong side of road; crossed over tracks and stopped at south out-going gate, hitting gate but doing no damage.
Apr. 8.....	8.40 a.m...	Highway No. 2, 2½ miles west of Chatham, Ont.	Ont. 25329C and 3258-T-438.	Truck and trailer approached crossing without using due care; turned off highway onto right-of-way. Trains delayed. Truck towed back to highway with engine.
April 10.....	5.45 p.m...	Egerton St., London East, Ont.	35-F-3.....	Auto driver failed to heed signals of yardman flagging crossing and barely missed being struck by cars being shoved over crossing by yard engine.
April 15.....	11.50 p.m...	Main St., Hamilton, Ont..	Ont. 2-E-231...	Auto disregarded stop signal, ran around autos already stopped, going over crossing in front of train.
April 18.....	3.10 p.m...	Dundas St., Trenton, Ont..	Ont. 58-W-47...	Auto crossed over in front of Yard Engine when stop sign was displayed.
April 28.....	10.45 K....	Public railway crossing, M.P. 103.7, Brock, Sask.	Sask. CV-872...	Truck drove on to crossing in front of approaching train, and was struck by engine.
April 28.....	7.00 p.m...	Rectory St., London, Ont.	.....	An unknown boy riding a bicycle raised crossing gates when they were down, thus permitting an automobile to enter upon the crossing.
April 29.....	11.15 p.m...	Dundas St., London, Ont.	782-L-5.....	Auto driver failed to heed warning signals of yardmen standing on crossing and continued over tracks barely missed being struck by cars being shoved by engine and also nearly knocked yardman down.
April 29.....	17.15 K....	Avenue "H", Saskatoon, Sask.	Sask. 8-506....	Auto stopped when train approaching, then started up again to beat train over crossing. Only cleared train 4 to 5 feet.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)

NEW BRUNSWICK DISTRICT

1937				
Oct. 2.....	3.25 p.m...	Main St., Fairville.....	3550.....	Auto ran under east gate while it was being lowered.
Oct. 4.....	4.00 p.m...	Main St., Fairville.....	3248.....	Auto ran under gates while they were being lowered.
Oct. 5.....	5.00 a.m...	Main St., Fairville.....	C-2233.....	Auto ran into and damaged gate.
Oct. 6.....	6.55 p.m...	Douglas Ave., Saint John.	Unable obtain.	Auto ran under gates while they were being lowered.
Oct. 7.....	3.30.....	Main St., Fairville.....	1774.....	Auto drove under gate while lowering signals set. Bell was ringing.
Oct. 9.....	6.00 p.m...	Main St., Fairville.....	1171.....	Auto ran under gate while it was being lowered.
Oct. 11.....	11.40 a.m...	Main St., Fairville.....	C-2233.....	Auto, which was being driven fast, struck gate and broke casting.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

NEW BRUNSWICK DISTRICT—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Oct. 11.....	11.00 a.m...	Douglas Ave., Saint John..	Unable obtain..	Auto ran under gates while they were being lowered.
Oct. 15.....	9.30 p.m...	Main St., Fairville.....	3210.....	Auto drove under east gate while it was being lowered. Bell was ringing.
Oct. 18.....	2.05 p.m...	Douglas Ave., Saint John.	10241.....	Auto ran under west gate while it was being lowered.
Oct. 20.....	8.25 p.m...	Douglas Ave., Saint John.	1124.....	Auto struck and damaged gate.
Oct. 26.....	7.00 p.m...	Gibson St. crossing, Mileage 58.70 Gibson Sub-division.	GS-841 (not definitely established).	While Gas-Electric Car 9008 was slowly moving over crossing on which a slow order of 6 miles per hour has been placed, an auto crossed in front and, although pilot caught rear, car righted itself and moved on without stopping.
Oct. 27.....	4.35 p.m...	Douglas Ave., Saint John.	C-8653.....	Auto, travelling at high rate of speed, ran under gates while they were being lowered. Bell was ringing.
Nov. 2.....	10.20 p.m...	Main St., Fairville.....	Unable obtain..	Auto ran under east gate while it was being lowered.
Nov. 7.....	10.30 a.m...	Main St., Fairville.....	Unable obtain..	Auto ran under east gate while it was being lowered.
Nov. 17.....	5.00 p.m...	Main St., Fairville.....	4802.....	Auto ran under gate at a high rate of speed while it was being lowered.
Nov. 19.....	3.25 p.m...	Main St., Fairville.....	5132.....	Auto ran under gate while it was being lowered.
Nov. 19.....	11.05 a.m...	Douglas Ave., Saint John.	C-4426.....	Auto ran under gates while they were being lowered. Bell was ringing.
Nov. 21.....	5.00 P.M...	Main St., Fairville.....	4398.....	Auto ran into and damaged tip end of gate.
Nov. 22.....	6.00 p.m...	Main St., Fairville.....	4557.....	Auto ran under gate while it was being lowered.
Nov. 23.....	9.45 p.m...	Main St., Fairville.....	C-2186.....	Auto ran under gate while it was being lowered. Warning bell was ringing.
Nov. 24.....	5.00 p.m...	Main St., Fairville.....	32396.....	Auto ran under west gate while it was being lowered.
Nov. 25.....	5.30 p.m...	Main St., Fairville.....	3295.....	Auto, while driving fast, ran under gate which was being lowered.
Nov. 27.....	7.00 p.m...	Main St., Fairville.....	6281.....	Auto ran under gate while it was being lowered.
Dec. 3.....	7.15 p.m...	Main St., Fairville.....	1460.....	Auto ran under gate while it was being lowered.
Dec. 6.....	5.00 p.m...	Main St., Fairville.....	5647.....	Auto ran under gate while it was being lowered.
Dec. 6.....	5.30 p.m...	Main St., Fairville.....	4136.....	Auto ran under gate while it was being lowered.
Dec. 8.....	9.00 p.m...	Main St., Fairville.....	5712.....	Auto ran under gate while it was being lowered.
Dec. 12.....	6.00 p.m...	Main St., Fairville.....	7504.....	Auto ran under gate while it was being lowered.
Dec. 16.....	11.45 p.m...	Douglas Ave., Saint John.	5944.....	Auto ran under gates while they were being lowered.
Dec. 20.....	5.00 p.m...	Main St., Fairville.....	2103.....	Auto ran under gate while it was being lowered.
Dec. 22.....	11.52 a.m...	Douglas Ave., Saint John.	C-3060.....	Auto, while driving fast, ran under gates which were being lowered. Bell was ringing.
Dec. 29.....	10.00 p.m...	Main St., Fairville.....	Unable obtain..	Auto ran under east gate and damaged west gate.
Jan. 3.....	3.30 p.m...	Main St., Fairville.....	3-3511.....	Auto ran under gates while they were being lowered.
Jan. 5.....	3.45 p.m...	Main St., Fairville.....	3-5257.....	Auto ran under gates while they were being lowered.
Jan. 7.....	11.05 a.m...	Main St., Fairville.....	3-1853.....	Auto struck and damaged gate.
Jan. 8.....	5.00 p.m...	Main St., Fairville.....	3-3574.....	Auto ran under gates while they were being lowered.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

NEW BRUNSWICK DISTRICT—Concluded

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Jan. 10.....	4.30 p.m...	Main St., Fairville.....	3-5530.....	Auto ran under gates while they were being lowered.
Jan. 26.....	1.40 p.m...	Douglas Ave., Saint John.	C-2412.....	Auto ran under gates while they were being lowered.
Feb. 2.....	1.35 p.m...	Main St., Fairville.....	3-6764.....	Driver of auto had to have attention called to fact that gates were being lowered.
Feb. 3.....	11.45 a.m...	Main St., Fairville.....	3-6780.....	Auto ran under gates while they were being lowered.
Feb. 5.....	11.30 a.m...	Douglas Ave., Saint John.	3-2391.....	Auto ran under gates while they were being lowered.
Feb. 7.....	5.00 p.m...	Main St., Fairville.....	3-5133.....	Auto ran under gates while they were being lowered.
Feb. 14.....	9.05 p.m...	Main St., Fairville.....	3-3678.....	Auto struck and damaged east gate.
Feb. 16.....	3.30 p.m...	Main St., Fairville.....	3-1658.....	Auto ran under gates while they were being lowered.
Feb. 18.....	9.40 a.m...	Main St., Fairville.....	PC-112.....	S.M.T. bus ran under gates while they were being lowered.
Mar. 7.....	4.35 p.m...	Main St., Fairville.....	3-4668.....	Auto struck east gate. No damage.
Mar. 17.....	5.00 p.m...	Main St., Fairville.....	3-2462.....	Auto ran under gates while they were being lowered.

QUEBEC DISTRICT

1937				
Oct. 20.....	11.35 p.m...	Merry St., Magog.....	Penn. 6397.....	Auto pulled past another standing at crossing and ran into side of train being backed over crossing, which was protected by wig-wag operating at the time.
Oct. 27.....	6.32 p.m...	Beaubien St., Montreal...	Unable obtain..	Auto failed to stop and broke tip off gate arms on west side while gates were being lowered for train.
Oct. 30.....	5.20 p.m...	Crown St., Quebec.....	Que. 3-291.....	Gates on south side had been lowered and gateman was starting to lower gates on north side when an automobile failed to stop and struck south-west gate, which was broken.
Nov. 4.....	1.49 p.m...	Rockland Ave., Outremont.	Que. 28085.....	Crossing gates were being lowered when an auto failed to stop and struck descending arm of north side gate, breaking the casting.
Nov. 5.....	11.50 p.m...	Bridge St., Quebec.....	Unable obtain..	Auto moved onto crossing while gates on south side were being lowered, and failed to stop after breaking the southeast gate arm.
Nov. 20.....	4.55 p.m...	St. Valier St., Quebec....	Que. T-3184.....	Gates had been lowered, when auto ran by cars stopped on east side and struck east gate, breaking it, then moved onto the crossing and, swerving to the right, struck and broke arm of gate on other side.
Nov. 22.....	6.00 p.m...	Portland St., St. Johnsbury.	Unable obtain..	Gates had been lowered for switch engine, when truck struck and broke east and west gates, as well as castings.
Nov. 28.....	4.50 p.m...	Portland St., St. Johnsbury.	NH-93064.....	Truck was travelling 25 to 30 miles per hour and did not stop. Gates were lowered when auto struck and broke both gates.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Dec. 1.....	4.45 p.m...	Dorchester St., Quebec...	Unable obtain..	Gates had been lowered when auto failed to stop and struck south side gate, breaking it. Auto had moved away from crossing when watchman had descended from tower to ground.
Dec. 1.....	5.00 a.m...	Crown St., Quebec.....	Unable obtain..	Auto struck and broke south side gate while it was being lowered. Lever struck watchman on the mouth.
Dec. 5.....	11.25 p.m...	Gouin Boulevard, Bordeaux.	Que. 135-276....	Crossing gates had been lowered when car failed to stop and broke gate arms on both sides of crossing. Driver stopped beyond crossing and abandoned car which was removed by police.
Dec. 14.....	6.45 p.m...	Portland St., St. Johnsbury.	Vt. 64480.....	Auto struck and broke tip off east gate. Driver admitted responsibility.
Dec. 16.....	12.09 a.m...	Beaubien St., Montreal...	Que. 124-727....	Gates had been lowered when auto skidded when brakes were applied, breaking tips of each gate barrier on west side.
Dec. 18.....	7.03 a.m...	Beaubien St., Montreal...	Que. L-1818....	Gates had been lowered when auto skidded when brakes were applied, breaking northeast gate.
Dec. 21.....	1.34 p.m...	Westminster Ave., Montreal West.	Que. 36-753....	After gates had been lowered, an auto struck northwest gate arm which was broken.
Dec. 23.....	4.10 a.m...	Montcalm St., Hull West.	Unable obtain..	Two automobiles ran through gates which had been lowered for train and damaged northwest and southwest gates. Automobiles did not stop.
Dec. 26.....	11.55 p.m...	Gouin Boulevard, Bordeaux.	Que. 16196.....	Gates had been lowered when auto struck and broke northwest gate arm.
Dec. 27.....	7.22 p.m...	St. Valier St., Quebec....	Que. 143-707....	Gates had been lowered when auto struck and broke arm of gate on west side.
1938				
Jan. 1.....	4.20 p.m...	Bridge St., Quebec.....	Que. 4782.....	Crossing gates down, auto failed to stop and broke northwest and southwest gates.
Jan. 5.....	7.20 a.m...	John St., Arnprior.	Ont. 874-M.....	Auto failed to stop and ran into fifth car from engine. Automatic warning bell was ringing.
Jan. 12.....	7.20 p.m...	Bonaventure St., Three Rivers.	Que. S-235	Gates had been lowered when auto truck failed to stop and ran through and broke both gates.
Jan. 12.....	5.20 p.m...	Portland St., St. Johnsbury.	Vt. F-0164.....	Gates had been lowered for switch engine when auto struck west gate and broke it off at base.
Jan. 17.....	3.50 p.m...	Mileage 100-01, Lachute Subdivision.	Ont. 63-W-38...	Auto failed to stop and struck van. Automatic warning bell was ringing and engine whistle had been sounded.
Jan. 27.....	8.25 p.m...	Portland St., St. Johnsbury.	Unable obtain..	Auto ran through gates and broke tip and tip brace off gate.
Feb. 1.....	4.01 p.m...	Mileage 59-8, Lyndonville Subdivision.	NH-62964..... (1937)	Auto ran in front of train and driver and other occupant, were killed.
Feb. 11.....	4.30 p.m...	Westminster Ave., Montreal West.	Que. 52496.....	Gates had been lowered for train when auto failed to stop and ran into arm of southeast gate, which was cracked in two places.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Concluded

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Feb. 21.....	11.58 p.m...	Crown St., Quebec, P.Q...	Que. T-1069...	Gates had been lowered when taxi failed to stop and ran into and broke southeast gate.
Feb. 21.....	8.00 a.m...	Montcalm St., Hull West..	Que. F-10-077..	Gates had been lowered when truck ran through gates, breaking about ten feet off southwest gate and three feet off southeast gate.
Feb. 24.....	5.15 p.m...	Elmhurst Ave., Montreal..	Que. T-286.....	Gates had been lowered when auto truck failed to stop and ran into northeast gate, arm of which was broken.
Mar. 3.....	4.00 p.m...	St. Louis St., Farnham....	Unable obtain..	Gates had been lowered when auto struck south gate and broke casting that holds wooden arm. Auto then drove away and gateman was unable to secure licence number.
Mar. 19.....	6.35 p.m...	Cote de Liesse, Dorval....	Ont. 65871-C...	Truck ran into gate and broke barrier arm.
Mar. 21.....	7.00 p.m...	Mileage 82, Winchester Subdivision.	Ont. 7-V-547...	Auto failed to stop and continued on to crossing where it was struck in the rear by engine pushing six cars. Driver stated he saw wigwag working but not light which was on leading car. Bell was also ringing.
Mar. 25.....	6.00 p.m...	Rockland Ave., Outremont.	Que. 141-309...	Gates had been lowered when auto failed to stop and ran into north side gate; then backed about ten feet and ran into gate again and broke gate arm which controls pedestrian traffic, also gate post.
Mar. 30.....	5.48 a.m...	Montcalm St., Hull West..	Unable obtain..	Auto ran through gates which had been lowered and broke twelve feet off one gate and lantern hanging on gate.

ONTARIO DISTRICT

1937				
Oct. 2.....	3.08 p.m...	York Rd., Guelph.....	Ont. 26-1-66...	Auto turned out to pass another standing at crossing and was struck by train. Wigwag signals and crossing bell were working.
Oct. 10.....	7.35 p.m...	Bartlett Ave., Toronto....	Ont.—1938, 4-A-671.	With south gate down and north gate being lowered, auto approaching from the north did not stop but continued travelling until it reached the south gate. Gate was raised and auto allowed to proceed. Crossing bell was ringing at the time.
Oct. 19.....	8.50 p.m...	Allens Rd., Guelph.....	Ont. 69-L-77...	Engine whistle sounded, engine bell was ringing and wigwag signal working when auto stopped and then started to cross tracks and was struck by a yard engine.
Oct. 20.....	8.45 p.m...	Richmond St., London...	Unable obtain..	Gates were down for passenger train when auto went through northwest gate arm, breaking it and electric gate lantern.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ONTARIO DISTRICT—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Oct. 21.....	9.00 p.m...	Front St. and Spadina Ave., Toronto.	Ont.—1937, 86-U-77.	Gates had been lowered and engine and cars were crossing Spadina Ave. when auto approached from south, applied brakes, but skidded into east gate lightly.
Oct. 22.....	11.30 a.m...	Richmond St., London...	Ont. 24013-C...	Crossing bell was ringing and gate arms were being lowered when a truck nearly ran into them, it being necessary to hold the arms back so that the truck would miss them.
Oct. 24.....	1.20 a.m...	Richmond St., London...	Unable obtain...	Auto, going north at 50 miles per hour, ran through both gates. Bell was ringing and gate lanterns lit.
Nov. 1.....	7.35 p.m...	Wellington St. West and Peter St., Toronto.	Ont.—1937, 6-A-652.	In face of approaching engine and with crossing watchman signalling with red lantern, west-bound auto crossed track in front of engine, missing it by only five or ten feet.
Nov. 13.....	9.40 a.m...	John St., Toronto.....	Ont.—1937, 4298-C	While turning just north of crossing, truck backed into northeast crossing gate which was in lowered position and gate arm was broken.
Nov. 20.....	9.10 p.m...	Richmond St., London...	35-F-29.....	Auto slid into northwest gate arm as the pavement was very slippery and broke northwest gate arm.
Nov. 21.....	12.45 p.m...	Richmond St., London....	471-E-6.....	Crossing bell was ringing and gates were almost down when auto, approached crossing and gate arm had to be raised in order to avoid an accident.
Nov. 26.....	12.03 a.m...	Front St. and Spadina Ave. Toronto.	Ont—1937, 37-B-65.	An eastbound auto ran into south-east gate on Front St. after gates had been lowered.
Nov. 27.....	7.30 p.m...	Richmond St., London....	926-F-2.....	Gates had been lowered and passenger train was approaching, when auto passed other standing cars and went through centre of both gate arms, crossing tracks without stopping.
Dec. 3.....	1.40 p.m...	Symington Ave., Toronto.	Ont.—1937, 70-U-16.	Northbound auto ran into south gate, breaking same, after all gates had been lowered and warning bell sounded.
Dec. 4.....	2.20 a.m...	Waterloo St., London....	3-F-906.....	Gates were down, crossing bell ringing and gate lanterns burning when auto slid under gate arm on wet pavement and broke same.
Dec. 4.....	3.18 p.m...	Eramosa Rd., Guelph....	41-L-42.....	Southbound auto ran into north gate arm and broke same. Bell was ringing and the roadway was slippery.
Dec. 5.....	9.15 p.m...	Richmond St., London....	D-1249.....	Gates had been lowered and autos were standing on north side. The road was very slippery and this auto passed standing cars and slid through centre of north gate arms almost on to track in front of engine.
Dec. 9.....	8.10 p.m...	William St., Chatham....	78-F-49.....	Auto ran into south gate arms and broke same. Crossing bell was ringing and gate lanterns burning.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ONTARIO DISTRICT—Continued

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Dec. 11.....	10.55 p.m...	Adelaide St., London.....	15-F-18.....	Auto, with only one headlight burning, passed crossing watchman's swinging red lantern as yard engine was approaching crossing.
Dec. 11.....	10.45 a.m...	George St., Peterboro....	1937-75609C...	Auto ran through crossing gate. Road was icy and the car was not under proper control.
Dec. 13.....	5.55 p.m...	George St., Peterboro....	1937-7-R-225..	Auto ran through crossing gate. Road was icy and the car was not under proper control.
Dec. 16.....	6.37 a.m...	Eramosa Rd., Guelph....	8-X-693.....	Auto ran into north gate arm and broke same. Crossing bell was ringing. The roadway was very slippery and there was ice on the windshield of the auto.
Dec. 18.....	1.30 a.m...	Dufferin St., Toronto.....	Ont.—1937, 687-B-9.	Southbound auto ran into north gate after gates had been lowered with lights burning and signal bell ringing, breaking gate and lamp.
Dec. 20.....	9.06 a.m...	Dundas St., Cooksville...	Unable obtain..	Auto crossed tracks in front of express train, although bell was ringing and wigwag signals were working.
Dec. 21.....	8.30 a.m...	Queen St., Chatham.....	26758-C.....	Auto ran into and broke gate arm while gates were down.
Dec. 24.....	8.53 p.m...	Front St. and Spadina Ave., Toronto.	Ont.—1937, 40-Y-63.	After gates had been lowered with lights burning, an east-bound auto ran into the south-east gate on Front Street and broke it.
Dec. 26.....	1.05 a.m...	Queen St., Chatham.....	15-J-25.....	Auto slid into gate arm and broke lamp. Windshield on car was also damaged. Bell was ringing and roadway was very icy.
1938				
Jan. 21.....	11.15 p.m...	Front St. and Spadina Ave., Toronto.	Ont. 3-W-552...	Auto ran into northeast gate. Auto had been held, with other traffic, at C.N.R. crossing and our gates were down before C.N.R. gates had been raised. Driver became abusive, apparently under influence of liquor, and was taken to police station.
Jan. 29.....	9.06 p.m...	Dundas St., Cooksville...	Unable obtain..	Tank truck crossed tracks in front of express train when latter was only 400 feet from crossing. Both wigwag signals were working and crossing bells ringing.
Jan. 29.....	3.35 a.m...	Richmond St., London....	745-C.....	Auto ran through centre of the four gate arms crossing track in front of yard engine and was nearly struck.
Jan. 30.....	8.30 p.m...	Richmond St., London....	Unable obtain..	Gates were being lowered for engine to cross when auto, being driven at high rate of speed, crashed through centre of north and south gate arms.
Feb. 6.....	2.10 a.m...	Dufferin St., Toronto.....	Ont. 95-V-32...	Auto ran into and damaged south gate. Driver claimed he did not see the gates, although red lights were burning on both. It was raining heavily and the visibility was poor.
Feb. 8.....	2.55 a.m...	King St., Chatham.....	1878-F.....	Auto disregarded wigwag signals and conductor's hand lantern signals to stop and was struck.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—*Concluded*ONTARIO DISTRICT—*Concluded*

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Feb. 17.....	7.15 a.m...	Queen St., Chatham.....	26782-C.....	Auto skidded on icy pavement and struck gate arm and broke it. Bell ringing.
Feb. 18.....	6.10 p.m...	Princess St., Chatham....	L-148-F-4.....	Yard engine struck auto. Engine whistle sounded, engine bell ringing, and yardman on leading car shouted for car to stop.
Feb. 28.....	7.25 p.m...	Richmond St., London....	7-F-471.....	Auto ran into southeast gate arm and broke it. Driver stated his brakes were frozen.
Mar. 11.....	8.09 p.m...	Aylmer St., Peterboro....	55-B-34.....	Two autos (leading car being shoved) approached crossing while wigwag working, pusher car stopped, but leading car skidded onto track, stalled, and was struck by train.
Mar. 11.....	8.45 p.m...	Waterloo St., London.....	620-P-4.....	Gates were down, bell ringing and gate lanterns burning when auto, not going fast, skidded on icy pavement and broke gate arm.
Mar. 12.....	2.15 a.m...	Bartlett Ave., Toronto...	Unable obtain..	Auto travelling at a speed of about 50 miles per hour, crashed through and broke both crossing gates. Auto did not stop and crossing watchman was unable to obtain licence number.
Mar. 26.....	6.05 p.m...	William St., Chatham....	Unable obtain..	When lighting up gate lamps, auto ran into and broke north gate arm. Auto did not stop and licence number was not secured.
Mar. 27.....	2.25 a.m...	No. 2 Highway, mileage 62.23 Windsor Subdivision near Chatham.	97-F-78.....	Auto ran into side of caboose on train. Wigwag signal working and bell ringing.

ALGOMA DISTRICT

1937				
Nov. 9.....	4.25 a.m...	Elm St., Sudbury.....	Unable obtain..	Auto, travelling east at high rate of speed, broke southwest gate.
Nov. 28.....	9.00 p.m...	Elm St., Sudbury.....	1-T-106.....	Auto, travelling east at high rate of speed, broke southwest gate.
1938				
Jan. 20.....	6.35 a.m...	Elm St., Sudbury.....	428.....	Auto, travelling east at high rate of speed, broke southwest gate.
Feb. 15.....	9.36 a.m...	Golf St., North Bay.....	Ont. 64841-C...	Truck failed to stop and was struck by train. Wigwags and bell were both operating.
Mar. 9.....	4.50 a.m...	Elm St., Sudbury.....	68-T-52.....	Auto, travelling east at high rate of speed, broke northeast gate.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)

SASKATCHEWAN DISTRICT

REGINA DIVISION

1937				
Oct. 19.....	9.05 K.....	Winnipeg St., Regina.....	T-1484.....	Vehicle moved over crossing when bell was ringing and train approaching.
Oct. 27.....	8.42 K.....	Winnipeg St., Regina.....	82-031; T-13; 4-225.	Vehicle moved over crossing when bell was ringing and train approaching.
Oct. 30.....	8.45 K.....	Winnipeg St., Regina.....	50-460; 47-322; 4-718.	Vehicle moved over crossing when bell was ringing and train approaching.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Continued

REGINA DIVISION—Concluded

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Nov. 5.....	8.45 K....	Winnipeg St., Regina.....	FV-801; 4-082; 50-460; 9-934; 70-911.	Vehicle moved over crossing when bell was ringing and train approaching.
Nov. 22.....	8.43 K....	Winnipeg St., Regina.....	3-793.....	Vehicle moved over crossing when bell was ringing and train approaching.
Nov. 24.....	10.50 K....	Winnipeg St., Regina.....	780; 6300.....	Vehicle moved over crossing when bell was ringing and train approaching.
Nov. 29.....	8.43 K....	Winnipeg St., Regina.....	46-735; T-915; T-416; 5-715.	Vehicle moved over crossing when bell was ringing and train approaching.
Dec. 4.....	11.00 K....	Winnipeg St., Regina.....	2-342.....	Vehicle moved over crossing when bell was ringing and train approaching.
Dec. 14.....	9.05 K....	Winnipeg St., Regina.....	7-92.....	Vehicle moved over crossing when bell was ringing and train approaching.
Dec. 29.....	10.50 K....	Winnipeg St., Regina.....	7-809.....	Vehicle moved over crossing when bell was ringing and train approaching.
Oct. 2.....	15.40 K....	Elphinstone St., Regina.....	4-494.....	Vehicle moved over crossing when bell was ringing and train approaching.
Oct. 7.....	15.30 K....	Elphinstone St., Regina.....	3-702.....	Vehicle moved over crossing when bell was ringing and train approaching.
Oct. 21.....	15.25 K....	Elphinstone St., Regina.....	2-493.....	Vehicle moved over crossing when bell was ringing and train approaching.
Oct. 23.....	16.10 K....	Elphinstone St., Regina.....	3-939.....	Vehicle moved over crossing when bell was ringing and train approaching.
Nov. 2.....	16.15 K....	Elphinstone St., Regina.....	69-734.....	Vehicle moved over crossing when bell was ringing and train approaching.
Dec. 9.....	16.40 K....	Elphinstone St., Regina.....	1-505; 793; 1-388	Vehicle moved over crossing when bell was ringing and train approaching.
1938				
Jan. 6.....	8.45 K....	Winnipeg St., Regina.....	1-320.....	Vehicle moved over crossing when bell was ringing and train approaching.
Mar. 9.....	10.50 K....	Winnipeg St., Regina.....	Wagon.....	Vehicle moved over crossing when bell was ringing and train approaching.
Jan. 13.....	15.50 K....	Elphinstone St., Regina.....	467.....	Vehicle moved over crossing when bell was ringing and train approaching.

SASKATOON DIVISION

Oct. 1937				
Oct. 8.....	16.50 K....	Broadway, Yorkton.....	29-762.....	Regardless of signals, drove in front of engine.
Oct. 9.....	19.40 K....	Broadway, Yorkton.....	11-552.....	Regardless of signals, drove in front of engine.
Oct. 11.....	16.55 K....	Broadway, Yorkton.....	30-202.....	Regardless of signals, drove in front of engine.
Oct. 14.....	16.30 K....	Broadway, Yorkton.....	29-621.....	Regardless of signals, crossed over in front of cars being pushed by engine.
Oct. 1938				
Oct. 14.....	17.50 K....	Broadway, Yorkton.....	12-159.....	Regardless of signals, crossed in front of engine.
Oct. 17.....	17.05 K....	Broadway, Yorkton.....	29-173.....	Regardless of signals, drove over in front of engine. Only just got over.
Oct. 16.....	20.25 K....	Broadway, Yorkton.....	72-373.....	Regardless of signals, passed over just in front of engine.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—*Concluded*SASKATCHEWAN DISTRICT—*Concluded*SASKATOON DIVISION—*Concluded*

Date	Time	Crossing	Licence No. of auto	Dangerous Practice
Oct. 19.....	16.50 K....	Broadway, Yorkton.....	29-418.....	Regardless of signals, just got over in front of engine. Very close.
Oct. 21.....	16.20 K....	Broadway, Yorkton.....	31-324.....	Regardless of signals, just got over in front of engine.
Oct. 29.....	16.10 K....	Broadway, Yorkton.....	11-437.....	Regardless of signals, just got over in front of engine.
Nov. 6.....	16.40 K....	Broadway, Yorkton.....	83-584.....	Regardless of signals, just got over in front of engine.
Nov. 19.....	17.20 K....	Broadway, Yorkton.....	29-739.....	Regardless of signals, just got over in front of engine.
Nov. 19.....	19.40 K....	Broadway, Yorkton.....	30-375.....	Regardless of signals, just got over in front of engine.
Nov. 20.....	16.40 K....	Broadway, Yorkton.....	CV-779.....	Regardless of signals, passed in front of car being pushed by engine. Escaped being hit by inches only.
Nov. 20.....	16.45 K....	Broadway, Yorkton.....	30-291.....	Regardless of signals, passed over in front of engine.
Nov. 27.....	18.10 K....	Broadway, Yorkton.....	52-664.....	Regardless of signals, passed over in front of engine. Very close.
Dec. 18.....	15.10 K....	Broadway, Yorkton.....	29-552.....	Regardless of signals, passed over in front of engine. Very close.
1938 Feb. 10.....	15.00 K....	Broadway, Yorkton.....	30-123 (37).....	Disregarded stop signal and crossed tracks just ahead of engine.
Mar. 26.....	15.50 K....	Broadway, Yorkton.....	27-733.....	Disregarded stop signal and crossed tracks just ahead of cars being pushed by engine.
Mar. 31.....	19.20 K....	Broadway, Yorkton.....	1234.....	Disregarded stop signal and crossed tracks in front of engine. Watchman was unable to step out of way of moving car quickly enough and left knee struck by some part of car and now off duty account injury.

ALBERTA DISTRICT

1937 Oct. 15.....	20.15 K....	4th St. West, Calgary.....	9-289.....	Auto ran into arm of gate when gate was down.
Oct. 19.....	17.45 K....	Allowance Ave., Medicine Hat.	D-10701.....	Auto ran into east gate.
1938 Mar. 16.....	15.25 K....	2nd St., Medicine Hat....	18-573.....	Car failed to stop for crossing watchman's signal.
Mar. 22.....	23.05 K....	2nd St., Medicine Hat....	18-024.....	Car failed to stop before striking gate.

BRITISH COLUMBIA DISTRICT

1937 Nov. 12.....	17.55 K....	Vancouver, North Vancouver Ferry Crossing.	B.C. 57-183.....	Auto stopped foul of crossing gate as it was being lowered and refused to move.
Dec. 4.....	.....	Mile 0.95 Esquimalt Road Victoria Subdivision.	.....	Automobile was driven into east gate, breaking wiring and red lamp fixture on gate.
1938 Mar. 2.....	17.00 K....	Vancouver, North Vancouver Ferry Crossing.	B.C. 43-606.....	Auto drove under gate as it was being lowered. Driver claims he did not hear bells or see gate descending.

STATEMENT OF MISHAPS AT PUBLIC CROSSINGS, WHERE NO PERSONAL INJURY INVOLVED, PERIOD FROM JULY 1 to DECEMBER 31, 1937

MANITOBA DISTRICT

Division	Date	Location	Particulars
<i>Fort William Terminals.</i>	Oct. 12...	Heath Street West, Fort William, M.P. 2-31 Kam. Subd.	Yard engine struck truck, licence 57455 C, which attempted to pass over crossing ahead of engine.
	Oct. 15...	Temporary Road Crossing West of Kam. Bridge, Fort William.	When Yard Engine approaching crossing, driver of Auto Truck, licence 58191 C failed to observe engine and attempted to cross ahead of same, resulting in same being struck.
<i>Kenora Division.....</i>	July 6..	Rural Crossing M.P. 84-2, Kam. Subd.	When Extra East was pulling slowly over crossing, Nash Truck, licence 57922 C, ran into side of train. Front wheel of truck was caught between the brake cylinder and the beam under car, and truck dragged about ninety yards; it was practically destroyed. Stated lights on truck were weak and did not see train on crossing and accepted responsibility for mishap.
	Sept. 29...	Rural Crossing M.P. 7-61, Ignace Subd.	Studebaker Sedan stalled on track account getting off end of crossing plank with front end of car over North rail about thirty minutes before arrival of Extra East. Driver claimed he was unable to get car off track or train stopped; same was struck and destroyed.
<i>Winnipeg Terminals..</i>	Dec. 2...	Siding B-7, Higgins Ave....	When Yard Engine was pushing cars over siding, auto skidded into point of drag, damaging left fender of same. Yard foreman personally flagged the crossing, owing to icy condition of streets driver was unable to stop before striking cars.
	Dec. 27...	"L" Yard Lead Crossing, McPhillips St.	When Yard Engine was pushing cars over crossing, auto struck the point car. Yardman was flagging crossing but signals not observed by driver of car in time to avert mishap.
<i>Portage Division.....</i>	Sept. 20...	First Public Crossing East of Boissevain Station, M.P. 69. 73 Napinka Subd.	When train approaching station, struck Chevrolet Sedan, Man. licence 51-476, which had stalled on crossing.
	Oct. 16...	First Public Crossing, West of Boissevain Station, M.P. 69-86 Napinka Subd.	When train was backing into Yard, Automobile carrying Manitoba licence 66-444, ran into side of baggage car.
	Nov. 2...	Fournier Ave., Carman, M.P. 12-04 Carman Subd.	When train was switching ten cars over crossing a Ford auto, licence 41-241, ran into sill step of point car.
	Nov. 4...	First Public Crossing, West of St. Claude Station, M.P. 59-2 Glenboro Subd.	While Extra West was switching West End of passing track, Plymouth Sedan, Missouri licence 452224, ran into side of engine.
	Nov. 6...	First Public Crossing West of High Bluff Station, M.P. 48-8 Carberry Subd.	While train was passing over crossing, Chevrolet Sedan, licence 48-526, ran into side of third coach from rear of train.
	Nov. 13...	Second Public Crossing West of Boissevain Station, M.P. 69-96 Napinka Subd.	When train was switching cars over crossing, Chevrolet Auto, licence 46-627, with trailer loaded with lumber, ran into centre of leading car.
	Sept. 3...	First Avenue, Souris, Man..	When Extra East stopped on No. 2 highway crossing, Chevrolet Auto, Sask. licence 77376, in attempting to stop and avoid striking train, took to the ditch.
<i>Brandon Division.....</i>	Oct. 8...	Main Street Crossing, Minnedosa.	When Yard Engine, with caboose attached to west end of same, stopped on Main Street Crossing, while crew lining up crossover switch and just as engine started to back into crossover, Chevrolet auto, Manitoba licence 59-644, attempted to cross back of moving van.

STATEMENT OF MISHAPS AT PUBLIC CROSSINGS, WHERE NO PERSONAL INJURY INVOLVED, PERIOD FROM JULY 1 TO DECEMBER 31, 1937—Continued

MANITOBA DISTRICT—Concluded

Division	Date	Location	Particulars
Brandon Division.....	Dec. 13...	Public Crossing, M.P. 74.3, Arcola Subd.	Train struck and destroyed sleigh and water tank at this crossing. Team had been unhitched from sleigh, which stalled on crossing.

SASKATCHEWAN DISTRICT

Regina Division.....	Sept. 29...	Primrose crossing (Mileage 130 Indian Head Sub.)	Dodge auto, Montana Licence 38-1510, struck rear end of Car Saskatchewan, damaging steps of same. Fender on left side of auto torn off and left front wheel damaged. Whistle and bell both operating at the time. 16.40 K.
	Nov. 17...	College crossing, Moose Jaw (Mileage 133.1 Indian Head Sub.)	Pontiac Eight Sedan, Sask. Licence 4-927 struck Train No. 343, one trailer, at 13.45 K., train passing over highway crossing at speed of about 40 miles per hour. Driver claimed did not see or hear approaching train; weather cloudy with light N.E. wind and very light snow falling. Whistle had been sounded and bell was ringing and continued ringing after train stopped. Auto badly damaged.
	Dec. 23...	First crossing W. of Pense (Mileage 109.3 Indian Head Sub.)	Pontiac Sedan, Sask. Licence 47-250, skidded into side and at centre of No. 344, G.E. 9003, at 14.50 K., train travelling at speed of 15 miles per hour. Visibility good; statutory signals given strong N.W. wind.
Saskatoon Division....	Sept. 13...	23rd St. and Avenue D, Saskatoon (Mileage 02, Wilkie Sub.)	Train with baggage car attached was backing up and struck an auto Licence 14-585. Yardmaster was handling signals at the crossing and driver of car failed to stop at crossing when signal given.
	Oct. 10...	Crossing at No. 14 Highway about 11 miles S.E. of Saskatoon (Mileage 103.67 Sutherland Sub.)	Struck side of train account not observing train until too late to stop, about 7.30 p.m. Licence 18-464, 1937. Statutory signals reported given.
	Nov. 11...	Crossing just west of Rokeby (Mileage 18.2 Wynyard Sub.)	Chevrolet Sedan, Licence 30860, stalled car on crossing after seeing headlight of engine. Account car in gear and engine stalled, it was impossible to start engine, so occupants got out of car before it was struck. Statutory whistle signal blown for crossing and bell ringing. Visibility poor due to fog.
	Dec. 21...	Crossing at 12th St. and 2nd Ave., Prince Albert (Joint Section).	When train proceeding slowly over crossing, entering Prince Albert, a Dodge car, Sask. Licence D-161, collided with the left side of engine. Statutory warnings were sounded twice and engine bell was ringing. Driver unable to stop account slippery street.

ALBERTA DISTRICT

Medicine Hat Division	Dec. 8/37	Rosedale.....	Train struck truck, Licence No. C4-278, at crossing Mile 88 Langdon Sub.
Lethbridge Division...	Sept. 7/37	Mile 67.95 Crowsnest Sub..	Train struck road weeder which had caught in crossing.
	Oct. 1/37	Mile 76.63 Taber Sub.....	Train struck truck Alberta Licence A-579.
	Dec. 2/37	Mile 25.98 Macleod Sub.....	Train struck by Dodge sedan, Alberta Licence 30-774, which ran into side of train.

STATEMENT OF MISHAPS AT PUBLIC CROSSINGS, WHERE NO PERSONAL INJURY INVOLVED, PERIOD FROM JULY 1 TO DECEMBER 31, 1937—*Concluded*

ALBERTA DISTRICT—*Concluded*

Division	Date	Location	Particulars
<i>Calgary Division.....</i>	Nov. 22/37	3rd St., Oids.....	Train struck auto. Driver of auto claimed it skidded approaching crossing and slightly damaged by train. Licence number not obtained as crew of train were not aware of mishap.
	Dec. 3/37	8th St. East, Calgary.....	Engine struck auto on crossing account auto not stopping soon enough to allow train to pass. Licence No. 8-293.
	Dec. 4/37	Mile 5 Red Deer Subdivision	Train struck auto bearing Licence A3-092. Auto did not stop in time and was turned into ditch, but did not clear side of engine.
<i>Edmonton Division...</i>	July 2/37	83rd Ave., South Edmonton	Train struck auto stalled on crossing. Licence No. Alta. 31-969.

BRITISH COLUMBIA DISTRICT

<i>Revelstoke Division....</i>	July 7....	Pine Street Crossing, Vernon	When engine was switching ice house track, Vernon, pushing ten cars ahead of engine from south to north, over crossing, struck Ford light delivery, B.C. licence CN 441.
	July 13....	Pritchard, mile 104.6 Shuswap Subdivision.	Train travelling at approximately 30 miles per hour, was passing over crossing when a truck B.C. licence CH 136-37 travelling east, turned on to crossing and ran into side of train.
	Sept. 13....	McKenzie Avenue Crossing, Revelstoke.	Hotel bus, Buick, licence 32-632, struck by engine which was backing to shops after coming off train.
<i>Vancouver Division....</i>	Nov. 30....	Gore Avenue, Vancouver....	Yard engine pushing three cars struck auto B.C. 63-757 that failed to stop on signal. Weather foggy and visibility poor.
<i>Kootenay Division....</i>	Oct. 9....	Yahk, Mile 40.5 Nelson Subdivision.	Auto, licence B.C. 36-452, ran into side of 14th car from engine, pulling out of Yahk across highway crossing.
	Nov. 25....	Mile 98.9 Cranbrook Subdn.	Truck slowly approached highway crossing as light engine about to arrive at that point. Truck failed to stop and was struck by engine.

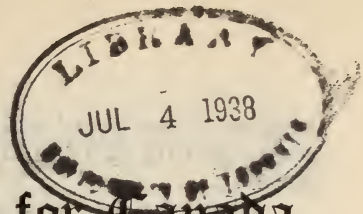
MISHAPS AT PRIVATE CROSSINGS WHERE NO PERSONAL INJURY INVOLVED—
JULY 1 TO DECEMBER 31, 1937

Division	Date	Location	Particulars
<i>Vancouver Division...</i>	Dec. 1....	Fraser Mills, Mile 4.92 Westminster Subdivision.	Auto, B.C. 49-701, skidded on icy road and struck train which was being switched over crossing.
<i>E. & N. Railway.....</i>	Nov. 16....	Mile 118.3 Victoria Subdivision.	Passenger train struck a logging truck with trailer loaded with 6 poles.

SUMMARY OF DANGEROUS PRACTICES

	Number	Per cent
Ignored stop signal.....	22	6.3
Approached crossing at excessive speed and ran into gates.....	16	4.6
Passed watchman with stop sign displayed.....	8	2.3
Drove on to crossing in front of engine and struck.....	29	8.3
Failed to stop for red lamp signal.....	12	3.5
Crossed in front of approaching train.....	63	18.0
Tried to cross ahead of train.....	5	1.4
Stalled on or stopped foul of track.....	11	3.1
Failed to make sure crossing clear.....	4	1.2
Drove into side of train.....	28	8.0
Ran into lowered gates.....	78	22.3
Drove through lowered gates.....	19	5.4
Passed over crossing at excessive speed.....	4	1.2
Failed to see or hear train.....	2	0.6
Ran around gates.....	1	0.3
Nearly struck crossing watchman.....	1	0.3
Drove under gates while being lowered.....	41	11.7
Pedestrian tried to push up lowered gates.....	1	0.3
Cyclist raised gates to pass over crossing.....	1	0.3
Horse drawn vehicles driven on to crossing in front of engine and struck.....	2	0.6
Horse drawn vehicle tried to cross ahead of train.....	1	0.3
Horse drawn vehicle ran into lowered gates.....	1	0.3
Total.....	350	100.0

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The Board of Railway Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXVIII

Ottawa, July 1, 1938

No. 8

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Application of the Board of Control of the City of Toronto, Ont., for such Order as will effectively control the nuisance caused by the emission of smoke from railway roundhouses situated within the City of Toronto.

File No. 23177

Heard before the Board at Toronto, Ontario, June 1, 1938

Oral Judgment delivered by the Chief Commissioner at the hearing

The CHIEF COMMISSIONER:

No, I think you have put your case very fully, Mr. Campbell.

The view of my colleagues and myself is, we would not be warranted in granting your request in this instance that a regulation should be issued by the Board, or an Order should be issued by the Board, applying to other engine houses or roundhouses throughout Canada.

The Order which was made by the Board in regard to smoke nuisance was made many years ago, in 1908, and it was for the purpose of remedying unnecessary and unreasonable emission to the atmosphere of dense or opaque smoke.

The Board realized at that time that railroad operation involves smoke and we cannot get away from the fact that Parliament granted these railways the right to operate and whatever is necessary for that operation the Board must put up with, but to render the difficulty as to smoke as small as possible the Board provided in its Order that the necessary and reasonable emission of dense smoke from a locomotive steam engine standing at stations or in station yards in cities, towns or villages may be permitted for a period of one minute in any ten minutes of any one hour.

Some fourteen years after that Order was passed the yards in Toronto were being rebuilt or rearranged. A Committee was appointed of men who were supposed to be experts in their own line to take into consideration the question of the most modern and up-to-date roundhouses for the purpose of eliminating, as far as possible, this smoke nuisance. This Committee was composed of a

member of the Board of Railway Commissioners, the Canadian National Railways, the City of Toronto, the Grand Trunk Railway and the Canadian Pacific Railway.

I think a fairly extensive inquiry was made into the subject of roundhouses, and many which were supposed to be modern and up-to-date were examined.

Finally, that Committee made a report as a result of its investigations. The Canadian National Railways, then the Grand Trunk Railway, adopted the system which was the system of the Pennsylvania Railroad in the United States, one of the most up-to-date and outstanding systems on the continent of America. The Canadian Pacific Railway seemed to have adopted some other system.

After the report was completed and the Railways came to a decision, the roundhouses were constructed in accordance with the representations made of what these experts had seen, so that the matter might be considered, from every point of view, up-to-date and the last word on the subject of eliminating smoke nuisance.

It is alleged on behalf of the City of Toronto that the intervening years have demonstrated that the system adopted by the Canadian Pacific Railway is preferable to that adopted by the Grand Trunk Railway.

There is a difference of opinion as to that. The engineer called by the Railway Company to-day is of the opinion that the system of the Canadian National Railways is just as efficient in eliminating the smoke nuisance as is the Canadian Pacific system.

To make the change in the roundhouse of the Canadian National system to that adopted by the Canadian Pacific Railway would involve heavy expenditures, probably some \$50,000 or \$60,000, \$1,500 for each stall and there are thirty-six individual stalls, and we do not know whether we would be gaining anything at all. That has not been demonstrated to the Board.

It is alleged by the City of Toronto that they do not complain of the Canadian Pacific Railway, but I am inclined to think, as Commissioner Stone-man said, that the smoke would be the same in either case, that the volume is there all the same.

Under these circumstances it would be difficult, it would be impossible, to make a satisfactory Order to compel the Canadian National Railways to adopt another system in the City of Toronto.

I think, myself, if the policy were adopted by the Board it should apply throughout the whole of the Dominion of Canada, but all, I think, that is asked by Mr. Campbell is to make it applicable to the City of Toronto itself.

I realize, and every one realizes, that the smoke nuisance is a very serious menace. It is a difficulty which all large cities have to contend with, and the effort of the City of Toronto to abate this nuisance is highly commendable.

But railways have their rights; they have the right to operate as long as they operate under the most improved system and the best methods known. Parliament has given them the right to operate under these conditions, and I do not think the Board could satisfactorily make an Order for the reasons I have stated.

I am inclined to think there is a difference of opinion between the two systems in the city of Toronto. It may be that one is better than the other, but it has not been demonstrated to this Board.

Under the circumstances, we will have to dismiss the present application, but that does not mean they should not continue to co-operate and see if they can meet the situation because, it is obvious there has been some improvement made during the last few months, and it may be that that improvement may come to something as time passes.

ORDER No. 56043

In the matter of the application of the Board of Control of the City of Toronto, in the Province of Ontario, for such Order as will effectively control the nuisance caused by the emission of smoke from railway roundhouses situate within the City of Toronto.

File No. 23177

FRIDAY, the 10th day of June, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Toronto, June 1, 1938, in the presence of counsel for the city of Toronto, the Canadian National Railways, and the Canadian Pacific Railway Company, and what was alleged—

It is ordered: That the application be, and it is hereby, refused.

H. GUTHRIE,
Chief Commissioner.

Application of the Canadian Freight Association for approval of proposed Supplement No. 1 to Canadian Freight Classification No. 19

File No. 33365.116

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

Proposed Supplement No. 1 to Canadian Freight Classification No. 19 was submitted for approval by Chairman Ransom of the Canadian Freight Association on March 9, 1938. Notice was duly published in the *Canada Gazette*, as required under Section 322 of the Railway Act and the Board's General Order No. 271. Proof copy of the proposed supplement, together with copy of the notice of publication in *The Canada Gazette*, was mailed by Chairman Ransom to the parties stipulated by General Orders Nos. 271, 348, 353, 469 and 471, with request that their objections, if any, be filed with the Board within 30 days.

The General Steel Wares, Limited, Toronto, supported by the Standard Sanitary Manufacturing Co. Ltd., Toronto, the Port Hope Sanitary Manufacturing Co. Ltd., Port Hope, and Crane Limited, Montreal, hereinafter referred to as the complainants, filed written submissions objecting to the provision proposed for sink cabinets, S.U., to which the Canadian Freight Association replied, and the matter was then listed for hearing at a sittings of the Board in Toronto on June 1, in order that it might be more fully developed and additional representations received from the complainants and the Canadian Freight Association.

The ratings proposed for sink cabinets, S.U., are 1st class, L.C.L., and 3rd class C.L., minimum weight 16,000 pounds, and they are not provided for under a distinctive heading as defined by Rule 10 of the Classification. Complainants apply for rating of 1st class L.C.L., and 5th class C.L., minimum weight 20,000 or 24,000 pounds, with listing under the distinctive headings of plumber's goods and sheet metal ware, to enable L.C.L. quantities to be included in mixed carloads at carload rating, to western Canada, under the provisions of section 2 of Rule 10 of the Classification.

Complainants state sink cabinets are used to enclose a sink, and may be shipped separately; with the sink only; or form part of the furnishings or equipment of a modern kitchen, i.e., a complete kitchen unit, consisting of a sink, sink cabinet, stove and refrigerator. They filed illustrated circulars of the articles in question, as well as furnishing sizes, weights and values. They state that sink cabinets are a part of a modern kitchen unit, called kitchenette, for which provision is made by Item 44, page 64 of the Classification, at ratings of 2nd class L.C.L., and 4th class C.L., minimum 24,000 pounds. The Canadian Freight Association take issue with this statement, pointing out that the provision for kitchenettes became effective August 10, 1914, many years before this type of sink cabinet was manufactured; that the item in question was added to the Classification upon the request of the Peerless Iron Works, St. Charles, Illinois, to provide for a cabinet described as kitchenette, consisting of a cupboard, made of iron or steel, and containing practically all of the utensils used in a kitchen, such as flour bin, bread box, meal bin, pans, racks, scoops, food chopper brackets, and many other articles of so-called kitchen utensils, including, in some cases, a two-burner gas plate. It is stated the article in question loads to a weight 100 per cent greater than the sink cabinets under discussion.

The complainants contend that, if sink cabinets are shipped with sinks, 5th class carload rating would now apply, under Items 7 to 11, page 212, or Items 15 to 17, page 196, of the Classification; that, if shipped with modern kitchen units, 4th class carload rating applies, under Item 44, page 64. With this contention, I do not agree, because the items on pages 196 and 212 cover only sinks, sink backs and sink drain boards; they do not cover sink cabinets or combined sinks and sink cabinets. Item 44, page 64, covers only kitchen cabinets (kitchenettes), and does not cover kitchen units, consisting of sink, sink cabinet, stove and refrigerator. If complainants' contention were correct, then it is to be noted that they do not ask for any change in Item 44, page 64, or the inclusion of that item under the distinctive headings of plumber's goods and sheet metal ware, so that the granting of their request would provide sink cabinets with 5th class carload rating when shipped in mixed carloads with plumber's goods or sheet metal ware, as compared with a 4th class carload rating when shipped in mixed carloads as part of modern kitchen units. It may be further noted that the carload charge under Item 44, page 64, would greatly exceed the carload charge under the rating which is proposed for sink cabinets.

Complainants state that the Canadian Freight Association had alleged that the carload rating applied for would discriminate against such articles as steel filing cabinets, steel parcel checking or clothes lockers, etc., which are provided with higher carload ratings, and pointed out that there can be no unjust discrimination as between ratings on goods used by entirely different lines of business which have no relationship the one to the other, and are not in competition the one with the other. I agree that there is no question of unjust discrimination involved in this sense, but do not consider the submissions of the Canadian Freight Association as setting up that contention.

The Freight Classification is a rate making scheme, devised for the purpose of according the same rating to all articles of like character from a transportation standpoint. The transportation characteristics to be considered in classifying any article are bulk, weight, value, risk, liability to damage, cost of carriage, and other considerations. In other words, articles having similar value, bulk, weight, and other similar characteristics, and involving practically the same cost of handling, are usually assigned to the same class. With respect to a great many light and bulky articles, the practice of the carriers,

as well as of this Board in cases coming before it, has been to provide carload minimum weights ranging from 12,000 to 16,000 pounds at carload rating of 3rd class, so as to produce reasonable carload earnings thereon, and an examination of the Classification will reveal a great many such items. There are also numerous cases where a carload minimum weight as low as 10,000 pounds has been provided, but where this is done a carload rating of 2nd class has been provided for. The position taken by the Canadian Freight Association is that the proposed carload rating of 3rd class is a consistent and proper rating, from the standpoint of those factors controlling the fixing of classification ratings, with the provision made for other articles having similar transportation characteristics, and, if a departure were to be made from this principle of classification making, and 5th class carload rating were granted as here applied for, upon what grounds could the carriers or the Board justify the maintenance of higher carload ratings on all those other light and bulky articles having similar transportation characteristics? The evidence before us as to the weight per cubic foot, value, etc., of these sink cabinets indicates clearly that the proposed carload rating is reasonable per se as compared with many other articles rated 3rd class C.L. In a letter to complainants, dated January 17, 1938, the Canadian Freight Association stated, while they had proposed a carload minimum weight of 16,000 pounds, they were agreeable to providing a lower minimum weight, as it is quite apparent that not more than approximately 10,000 pounds could be loaded in a car. A carload minimum weight of 12,000 pounds would not be inconsistent with the provision that has been made for other articles of similar transportation characteristics. It is stated that sink cabinets are not moving in straight carloads, consequently a 5th class carload rating is desired, with listing under distinctive headings of plumber's goods and sheet metal ware, to enable L.C.L. quantities to be included in mixed carloads at 5th class to western Canada. It is quite apparent that this request would not be made if consideration was being had solely to the movement of these articles in carload quantities, because, in that case, the proposed rating with carload minimum weight of 12,000 pounds produces carload charges much lower than the carload charge on the 5th class rate with the higher carload minimum weight. For example, from Toronto to Winnipeg, the all-rail rate of 5th class produces a carload charge of \$273.60, as compared with \$214.20 at carload rating of 3rd class, minimum weight 12,000 pounds. To Regina, the corresponding figures are \$372 and \$289.80, and to Calgary, \$475.20 and \$364.20.

It is, no doubt, a fact that certain articles have been provided with a carload rating to permit their inclusion in mixed carloads, but we are unaware of any case for a great many years past, at any rate, where there has been provided a lower rating than would be established on its own merits solely to permit the mixing privilege.

In Volume 15, Board's Judgments and Orders, page 194, with respect to proposed Canadian Freight Classification No. 17, the Board refused to direct the inclusion of school books in the stationery list, so as to permit small quantities thereof to be shipped in mixed carloads of stationery, stating:—

“Nothing has been adduced alleging that the present ratings on school books are in themselves unreasonable, and there is nothing on the record that would justify the Board in reducing the carload rating on school books, and including them in the stationery list, for the sole purpose of enabling the application of the carload rating on a less than carload shipment of school books.”

In the same case, page 217, the Board refused to reduce the carload rating on rubber fruit jar rings, for the sole purpose of enabling their inclusion at 5th class rating in mixed carloads of groceries and stated:—

“It may be here pointed out that to ignore the rating properly and reasonably applicable to an article considered by itself, and to provide a lower rating than would thereby be established on its own merits solely to permit the mixing privilege, would do violence to one of the most important principles of classification making, always hitherto held to be proper and consistent. To lower a rating, which is reasonable per se, for such a reason would inevitably lead to the requirement that all articles which shippers’ convenience would suggest be shipped together should be given the same rating. Such a principle would be obviously unsound and absolutely demoralize and disrupt the structure of the classification. For this application to succeed, it would be necessary for the applicants to make out a case that the ratings on these articles are in themselves unreasonable; not merely that it is the desire of applicants to have a reduced rating provided simply for mixing purposes. Applicants not having met the burden of showing that the proposed ratings (which are a substantial reduction from those now in effect) are unreasonable, the Board would not be justified in directing that any change be made in what is proposed.”

Complainants submitted computations showing, to Calgary and Edmonton, the percentage proportion of the freight charges to the value of the article. It must be obvious that data of this character are not very helpful in determining the reasonableness of a classification rating. The percentage of the freight rate to the value is dependent entirely upon whether it moves a short distance on the rate applicable therefor, or a much greater distance at the higher rate chargeable for the longer haul. The value of an article being a fixed figure and the freight rate a widely varying one according to the distance hauled, the percentage of the freight rate to the value of the article fluctuates accordingly. Obviously, a freight rate based on a fixed percentage of the value of the article would be impracticable. We have also carefully considered other points that were placed before us but not specifically commented upon herein.

The proposed ratings for these sink cabinets, S.U., will be approved, subject to a carload minimum weight of 12,000 pounds instead of 16,000 pounds, as shown in the proposed supplement.

OTTAWA, June 10, 1938.

Commissioners Stoneman and Stone concurred.

GENERAL ORDER No. 574

In the matter of the application of the Canadian Freight Association, under Section 322 of the Railway Act, for approval of proposed Supplement No. 1 to Canadian Freight Classification No. 19, on file with the Board.

File No. 33365-116.

FRIDAY, the 17th day of June, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas notice has been given by the Canadian Freight Association in *The Canada Gazette*, as required by Section 322 of the Railway Act, and copies

of the said Supplement furnished to the parties named in the General Orders of the Board numbered 271, 348, 353, 469, and 471, with the request that their objections, if any, be filed with the Board within thirty days;

Upon consideration of the objections filed; and upon hearing the application at the sittings of the Board held at Toronto, June 1, 1938, the Canadian Freight Association, the General Steel Wares Limited, Toronto, the Standard Sanitary Manufacturing Company, Limited, Toronto, and the Port Hope Sanitary Manufacturing Company, Limited, Port Hope, being represented at the hearing, and what was alleged—

The Board orders: That the proposed Supplement No. 1 to Canadian Freight Classification No. 19 be, and it is hereby, approved, subject to the following changes and additions, namely:—

- (a) Item 48, page 2, to be made subject to a carload minimum weight of 12,000 pounds, instead of 16,000 pounds.
 (b) Item 9, page 3, to be changed to read:

L.C.L. C.L.

Oats, Rice or Wheat, Puffed:

In cloth or paper bags..	2	
In barrels or boxes..	3	
In packages named, C.L., min. wt. 20,000 lbs., Rule 7..		5

- (c) Items 8 and 10, page 5, to be changed to read:

Mattresses:

Hair, or Hair or Felt and Wire Coil combined,
 wrapped in paper or burlap, or in fibre boxes
 meeting the requirements of Rule 1 for boxes
 testing not less than 200 lbs. except that maximum
 dimensions must not exceed 140 united inches..

1½

C.L., min. wt. 14,000 lbs., Rule 7.. 4

- (d) Items 51 to 53, page 8, to be changed to read:

Vegetables:

Vegetables or Fruit, fresh or green, Cold Pack,
 O.R. Det., see Note, prepaid, in inner con-
 tainers in barrels, boxes or crates, in bulk in
 barrels or in bulk in pails weighing not less
 than 20 lbs. each..

1

C.L., min. wt. 24,000 lbs.. 4

NOTE: Ratings apply only on Frozen, Fresh or Green
 Fruits or Vegetables, either sweetened or un-
 sweetened.

- (e) The following item to be added to Supplement No. 1, cancelling Item 32, page 225, of the Classification:

Towers, Transmission and Radio Beacon, Steel, com-
 pletely taken apart..

4

C.L., min. wt. 40,000 lbs.. 6

H. GUTHRIE,
Chief Commissioner.

ORDER No. 55999

In the matter of the Order of the Board No. 38777, dated February 21, 1927, granting leave to the Bell Telephone Company of Canada to file individual exchange tariffs, and supplements to its general exchange tariff, to give effect to the rates and charges prescribed and authorized by and in accordance with the judgment of the Board dated February 21, 1927; and in the matter of proposed change in the exchange charges at Waterloo, Quebec.

Case No. 955.71

MONDAY, the 6th day of June, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Chief Traffic Officer of the Board,—

It is ordered:

1. That Tariff C.R.C. No. 6521 (2nd Revised Sheet 1), effective July 6, 1938, covering exchange rates of the Bell Telephone Company of Canada at Waterloo, Quebec, be, and it is hereby, approved.

2. That Part XXI of the Board's said Judgment dated February 21, 1927, be amended by transferring Waterloo, Quebec, from Group IX to Group VIII

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56007

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 7th day of June, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 69 to Tariff C.R.C. No. E-1244.
Supplement 35 to Tariff C.R.C. No. E-2444.
Supplement 20 to Tariff C.R.C. No. E-2526.
Supplement 3 to Tariff C.R.C. No. E-2762.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56008

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.8

WEDNESDAY, the 8th day of June, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 64, filed by the Sydney and Louisburg Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 64, approved herein, are as follows:—

Miles	Cents per 100 pounds
10	4
20	3½
30	4
40	5

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56020

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

SATURDAY, the 11th day of June, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 815 of 4th revised page 45 to Tariff C.R.C. No. E-4757, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and there are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 815 of 4th revised page 45 to Tariff C.R.C. No. E-4757, approved herein, are the 3rd class rates covered by previous order or orders of the Board.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56028

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 14th day of June, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
S. J. McLEAN, *Assistant Chief Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement No. 15 to Tariff C.R.C. No. E-1248.

Supplement No. 41 to Tariff C.R.C. No. E-1689.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56057

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 20th day of June, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 9 to Tariff C.R.C. No. E-1976.

Supplement 9 to Tariff C.R.C. No. E-2311.

Supplement 1 to Tariff C.R.C. No. E-2745.

Supplement 4 to Tariff C.R.C. No. E-2762.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56058

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 21st day of June, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

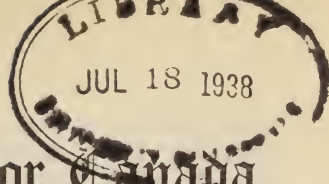
The Board orders:

1. That the tolls published in item 250 of Supplement No. 16 to Tariff C.R.C. No. 986, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act; the said company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 250 of Supplement No. 16 to Tariff C.R.C. No. 986, approved herein, are also shown below, namely:—

Item		Cents per Package					
		Per Barrel		Per Tierce		Per Puncheon	
		Tariff	Normal	Tariff	Normal	Tariff	Normal
250	Group "C"	37	46	56	70	94.8	118.3
	Group "D"	37	46	56	70	94.8	118.3

F. NAP. GARCEAU,
Deputy Chief Commissioner.



The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 9

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Application of the township of South Norwich, in the county of Oxford, Ontario, for an Order directing the Michigan Central Railroad Company to erect a warning signal at the crossing of the West Quarter Townline Road, township of South Norwich.

File No. 36229

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This is an application of the township of South Norwich, in the county of Oxford, for an Order directing the Michigan Central Railroad Company to erect a warning signal at the crossing of the West Quarter Townline Road. The railway crossing in question is situated on lot 22, in the 11th concession of the township of South Norwich.

The application was heard at Brantford on May 30, 1938, in the presence of the reeve and clerk of the township of South Norwich, and also of counsel for the Michigan Central Railroad Company.

A blue print was filed as Exhibit No. 1, showing the crossing, but it was stated by the reeve that the blue print did not give a correct idea of the situation. The reeve stated that on the west side of the crossing, at a distance of 1,032 feet, there is a curve in the railway, whereas upon the blue print the railway is shown as practically a straight line. The highway which is crossed by the railway is an ordinary dirt road under the jurisdiction of the township. A traffic count of the highway traffic shows that about 150 vehicles pass over this crossing in 24 hours, but the township authorities stated that during the summer months the traffic would increase as the highway would be used to connect with highway No. 3 by persons going to Lake Erie. The road in question is crossed by a double line of railway and about 36 trains pass over the crossing every 24 hours. A few years ago train movements were much more frequent. In 1929 they averaged 66 per day. Many of the trains passing over this crossing are through passenger trains and travel at a high rate of speed.

The sight lines at the crossing are not good, particularly on the south side of the railway tracks, but it would be difficult to improve these sight lines unless the level of the highway on the south side of the track were raised to a considerable extent. The approaches from the north side of the railway are better than on the south side.

There is no record of any accident having occurred at this crossing although a number of instances were given in which serious accidents had been narrowly averted. The township authorities maintain that as the highway is senior to

the railway at this point, any protection which might be ordered should be wholly at the expense of the railway company, and that the township should not be called upon to contribute anything for additional protection.

Counsel for the railway company stated that since the year 1929 the railway company had been consistently engaged in improving the highway crossings over its tracks and that out of 50 of such crossings which were designated dangerous crossings in 1929, about 35 had already been satisfactorily protected, and that the company would proceed in a reasonable time to complete the list. The crossing in question was not classified by the railway company as a No. 1 risk but was placed as a second classified risk to be improved by the railway company as time and circumstances might permit. Counsel for the railway company submitted that as no accident had ever happened at the crossing, reasonable protection would be ensured by the installation of a warning sign with a reflector button, which could be erected at a cost of \$60.

One of the Board's Divisional Engineers inspected this crossing on April 14, 1938, and he recommended that on account of the poor view in the south-west angle of the crossing, the heavy and fast railway traffic, and the fairly heavy road traffic which no doubt will increase during the summer season, the railway company should be asked to make its submission in regard to the installation of bells and wig-wags. The estimate furnished to the Board by the railway company for the installation of bells and wig-wags is \$3,000 with an annual maintenance charge of \$260, but the reeve of the township intimated that the township council would not be prepared to bear any part of this expense.

After considerable discussion, counsel for the railway company suggested that the railway company install, at its own expense, a warning sign equipped with a reflector, and that the matter of further protection be allowed to stand for the present to see the effect of the reflector sign, and in this proposal the reeve of the township acquiesced.

Under the above circumstances, the Order of the Board will be that the railway company forthwith erect a reflector sign on the south side of the track at this crossing, the design, dimensions and location upon the highway to be submitted to and approved by the Chief Engineer of the Board. If at any future time the council of the township of South Norwich desires to make any further submission to the Board in respect of further protection at this crossing, it will be entitled to do so.

June 14, 1938.

Commissioners Stoneman and Stone concurred.

ORDER No. 56082

In the matter of the application of the Township of South Norwich, in the County of Oxford and Province of Ontario, for an Order directing the New York Central (Michigan Central) Railroad Company to erect a warning sign at the crossing of the West Quarter Town Line Road.

File No. 36229

SATURDAY, the 18th day of June, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Brantford, May 30, 1938, in the presence of the Reeve and Clerk of the Township of South Norwich and Counsel for the railroad company, and what was alleged,—

It is ordered:

1. That the New York Central Railroad Company be, and it is hereby, directed forthwith to erect a reflector sign on the south side of the track at the crossing of the West Quarter Town Line Road on Lot 22, Concession 11, of the Township of South Norwich, in the Province of Ontario; the design, dimensions, and location upon the highway to be submitted to the Chief Engineer of the Board for approval.

2. If at any future time the Council of the Township of South Norwich desires to make any further submission to the Board in respect of further protection at the said crossing it will be entitled to do so.

H. GUTHRIE,
Chief Commissioner.

In the matter of the consideration of the question of the protection to be provided at the intersection of Dalhousie and Clarence streets, in the city of Brantford, Ontario, mileage 0.88 Burford Subdivision of the Canadian National Railways.

File No. 26765.118

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This is an application by the city of Brantford for consideration of the question of protection of the railway crossing of the Canadian National Railways, at the intersection of Dalhousie and Clarence streets, in the city of Brantford.

The application was heard at the city of Brantford on May 30, 1938, in the presence of counsel for the city of Brantford and for the Canadian National Railways. After the hearing of the said application, the Board made a personal inspection of the *locus in quo*.

The railway in question was originally constructed by the Great Western Railway Company about the year 1870, or shortly thereafter, and the city of Brantford under the terms of an agreement dated November 18, 1870 (Exhibit No. 4) made a grant of \$75,000 to the Great Western Railway Company for the purpose of assisting in the construction of a line of railway from Harrisburg into and along Water street, in the then town now the city of Brantford, to or near the western end of the said street, and under the terms of the said agreement the railway company was to build and maintain the said railway and operate it in the manner set out more particularly in the said agreement. After the construction of the said line of railway, the Great Western Railway Company became amalgamated with the Grand Trunk Railway of Canada and, subsequently, passed under the control of the Canadian National Railways and now forms a portion of the Canadian National Railways system.

This line of railway is constructed upon the east side of Clarence street, in the city of Brantford. Clarence street runs approximately north and south. Clarence street is what is known as a "stop" street with the usual "stop" signs erected thereon. Dalhousie street runs east and west through the city of Brantford and is known as a through street without stop signs. Dalhousie street crosses Clarence street and also the line of railway in a thickly populated part of the city of Brantford. While there is a substantial amount of vehicular traffic upon Clarence street running parallel with the railway track, the traffic upon Dalhousie street is much greater in volume. Traffic counts submitted show that upon Dalhousie street there were approximately 3,500 vehicles per day passing over this crossing, while traffic counts on Clarence show

about half that number. Colborne street is a main thoroughfare running east and west through the city of Brantford one block south of Dalhousie street, and Colborne street is also crossed by this line of railway. The railway crossing on Colborne street is protected by a watchman on duty 24 hours per day. But there is no protection at the crossing on Dalhousie street other than the usual railway crossing signs.

The train movements over the crossing are not frequent, the average being 8 or 9 per day. There is only one regular train movement, each way, over the crossing per day. The remainder of the movements are shunting or switching movements to serve a number of industries located in the city of Brantford, and all train movements over the crossing are subject to a slow order of ten miles per hour.

It was stated by counsel for the city of Brantford that Dalhousie street would probably form part of a provincial highway in the future, and that a large percentage of the traffic now passing through the city of Brantford goes by way of Dalhousie street rather than by Colborne street, as Colborne street is considered a more crowded thoroughfare.

There is a record of three accidents having happened at the Dalhousie street crossing in recent years and from the evidence furnished in respect of these accidents, it would appear that they were caused by cars skidding upon an icy surface upon the roadway. As a result of these accidents, the Board issued the slow order above referred to of ten miles an hour over this crossing. From the view of the crossing which the Board obtained when it inspected same, it is evident that there is a gradual ascent proceeding easterly along Dalhousie street to the crossing, while from the westerly side of Dalhousie street the crossing is apparently level. It seems evident from this fact that the skidding of cars which caused the above mentioned accidents happened to persons proceeding westerly along Dalhousie street, as the up grade on the east side of the crossing would likely prevent accidents by skidding. The sight lines at the crossing are as follows:—

At 50 feet west on Dalhousie street, there is a sight line of 500 feet to the north and 370 feet to the south.

At 140 feet west on Dalhousie street, the sight line is 66 feet to the north, and 60 feet to the south.

At 200 feet, the sight line is 43 feet to the north and 40 feet to the south.

Travelling easterly on Dalhousie street, at 50 feet the sight line is 50 feet to the north and 130 feet to the south.

From the above figures it will be seen that the sight lines are not as satisfactory as could be desired, but the obstructions to the sight lines consist of substantial buildings and business property, the removal of which would involve heavy expenditure.

The railway company suggests that Clarence street should be made a through street and that "stop" signs should be erected on Dalhousie street at the junction of Dalhousie and Clarence streets. I think if this were done the danger of accident at the crossing would be greatly decreased. It also was suggested that all train movements over the crossing should in the future be flagged by trainmen. In my opinion, if these suggestions were carried out, the crossing would be rendered reasonably safe for highway traffic over it. Counsel for the city of Brantford took the position that the city objected to making Clarence street a through street and insisted that any increased protection at the crossing should be made at the expense of the railway company. Counsel was not prepared to state whether the city of Brantford would be willing to contribute any portion of the cost of the erection and maintenance of bells and wig-wags at this crossing although I suggested the matter to him. He intimated, however, that he would discuss the proposal with the civic authorities

and would inform the Board of the result. Up to the present time no suggestion has been made by the city authorities that they would bear any portion of such expense and, unless the city is prepared to bear some part of the cost, I do not think the Board would be justified in ordering the erection of bells and wig-wags at this point. The Board has no jurisdiction to order the city to erect "stop" signs upon Dalhousie street. But, under the circumstances, I think the city should be requested to erect such signs on either side of the railway crossing in question. I think the Board should order the railway company to flag all train movements over this crossing, and that the slow order of ten miles per hour should be continued.

JUNE 14, 1938.

Commissioners Stoneman and Stone concurred.

ORDER No. 56086

In the matter of the accident on March 26, 1937, at the crossing of Dalhousie Street by the Canadian National Railways in the City of Brantford, Province of Ontario; and the consideration of the question of the protection to be provided at the said crossing.

File No. 26765.118

SATURDAY, the 18th day of June, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Brantford, May 30, 1938, in the presence of Counsel for the City of Brantford and the railway company, and what was alleged; and upon an inspection by the Board of the *locus in quo*,—

Whereas it appears that there is a permanent slow order of ten miles an hour at the said crossing;

And whereas, in the opinion of the Board, all train movements should be flagged over the crossing;

Therefore it is declared that the said crossing is satisfactorily protected, so long as the present speed limitation of ten miles an hour is in effect and all train movements are flagged over the crossing.

H. GUTHRIE,
Chief Commissioner.

Application of the township of Guelph, in the county of Wellington, Ontario, for an Order directing that the crossing of the Canadian National Railways on Galt street, township of Guelph (just east of the city limits of Guelph), be made a public crossing.

File No. 26711.641

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This is an application of the township of Guelph for an Order directing that the crossing of the Canadian National Railways on Galt street, just east of the city limits of Guelph, in the said township of Guelph, be made a public crossing.

The application was heard at the city of Guelph on 31st day of May, 1938, in the presence of counsel for the township of Guelph and for the Canadian National Railways. After hearing what was alleged by the various parties, the Board inspected the locus in quo, and there were present at such inspection representatives of the township counsel and of the railway company.

Galt street, upon which the railway crossing in question is situate, is a short street in the township of Guelph running approximately east and west from Grange road, in the said township, to the York road. Galt street crosses the main line of the Canadian National Railways immediately west of a point on the railway which has long been known as "Trainer's Cut". At the point of this crossing the railway is constructed upon the side of a hill and there is a deep cutting immediately to the east of Galt street, which renders the view from the west side of the railway crossing very limited and unsatisfactory. The approach to the crossing on Galt street from the east side is upon a grade of from twenty to thirty per cent, but the lines of vision approaching from the east side are fairly good.

From the time of the construction of the railway until the year 1917, this crossing was always maintained by the railway company as a private crossing. The railway company until 1917 maintained gates on either side of the crossing. For many years prior to 1917 the inhabitants made use of this crossing as a public crossing and from time to time removed the gates which had been set up by the railway company. In 1917 the railway company decided to discontinue the gates and since that date has only maintained crossing signs on each side of the railway notifying the public that the crossing is a private crossing.

Upon the westerly side of the railway there is a small settlement of about 12 families, who have been using this crossing as a public crossing for many years. The children belonging to these families constantly use this crossing in going to and returning from school, and if the crossing were closed to the public these school children would have to make a detour in going to school involving an additional distance of about three miles. The rural school section which these children attend is situated upon the York road, about a mile easterly from Galt street. If Galt street were closed, the only alternative route for the children would be to proceed westerly to Victoria road, which is the boundary line between the city of Guelph and the township of Guelph, thence to the York road, and thence easterly along the York road to the school-house. Rural mail carriers travel daily over this crossing.

The highway traffic passing over this crossing is not heavy. According to counsel for the applicants it would amount to about 50 vehicles per day, but according to the officials of the railway company not more than an average of 25 vehicles per day pass over the crossing.

The approaches on Galt street upon both sides of the railway will require considerable expenditure before the crossing can be put in satisfactory shape. Galt street has been maintained by the township as a township road for the last seventy-five years and public moneys have been expended on it for many years.

Upon the question of seniority as between the highway and the railway, there seems to be some uncertainty. From the evidence submitted at the hearing it is apparent that the original location plan of the railway through this section was prepared by John Tully, D.L.S., dated 29th December, 1852. Counsel for the railway company submitted a blue print of this plan (Exhibit No. 2) but this print is much faded and it is difficult to ascertain definitely whether any roadway is shown upon the plan. However, from what I am able to gather from this print, I am inclined to think that no roadway is shown between Lots 3 and 4, which is approximately the location of the present crossing. In the early part of 1853 the railway company purchased a right of way through Lot No. 3 from one John Pipe, and later on during the year 1853 purchased from John Pipe the whole of Lot No. 3. In 1855 the railway company conveyed the whole of Lot No. 3, reserving its right of way across the

property, to one John Galt. In the year 1857 John Galt caused the lot to be subdivided according to a plan filed with the Board, known as plan No. 53, which plan is deposited in the Registry Office at Guelph, but it is contended on behalf of the railway company that the plan was never properly registered. Plan No. 53 shows Galt street as a public road running from Grange road on the west to the York road on the east. In my view of the matter it is not necessary upon this application to decide upon the question of seniority as between the highway and the railway at this crossing. There can be no doubt that the railway company for many years maintained gates thereon until the year 1917. Counsel for the railway company stated upon the hearing that the company had at all times endeavoured to maintain gates at the crossing, but as often as they put them up they were taken down by the public, "finally it got to the state where they could not put them up as fast as the people took them down." Counsel for both parties agreed that gates have not been maintained since the year 1917, and from that date at least the public has used this crossing as a public crossing although the railway company has maintained sign-boards on each side of the crossing bearing the words "private crossing".

The fact that Galt street has actually existed as a public roadway for seventy-five years, that the township has maintained it as such and has expended public money upon it, the fact that the public has always used it as a public roadway, and that since the year 1917 the railway company has not maintained gates at the crossing nor in any way interfered with the public user save by the erection of private crossing signs, lead me to the conclusion that Galt street is and for many years has been a public highway, and that the railway crossing has become de facto a public crossing. The railway company has acquiesced for over 21 years in this user of the crossing by the public and has taken no action to prevent it.

Under the above circumstances, I would hold that the crossing has now become a public crossing and that Galt street is a public highway, but in so holding I have not decided the question of seniority as between the highway and the railway which question may possibly arise as a matter for adjudication at some time in the future should it ever become necessary to provide additional protection at the crossing.

Representatives of the Council of the Township stated that the council would be prepared, at its own expense, to improve the grades upon the highway upon both sides of the crossing up to the ends of the railway ties. The council would also be prepared, at its own expense, to erect the usual railway crossing signs, and also, at its own expense, erect a reflector warning sign of approved design. All the applicants desire of the railway company is that the present crossing should be enlarged to comply with the Standard Regulations of the Board Affecting Highway Crossings including the necessary fencing and whistle posts upon the railway right of way.

The township council also agreed to undertake at its own expense, to improve the sight lines on the northwesterly angle of the crossing, and the reeve intimated that this could be done by the removal of a portion of the embankment on the railway property to which the railway representatives offered no objection.

In my opinion an Order should be made declaring the crossing upon Galt street to be a public crossing. The railway company should be required forthwith to undertake the necessary construction, at its own expense, to render it a public crossing, in accordance with the standard regulations as set out in General Order No. 501. The Order will provide that the Township of Guelph shall forthwith, at its own expense, grade Galt street for a distance of at least 40 feet upon each side of the railway right of way. The township council shall also improve the sight lines on the northwesterly angle of the crossing as above mentioned. In compliance with its consent as expressed by counsel for the township at the hearing, the council should be required to erect, at its own

expense, stop signs upon the roadway on each side of the crossing and also to erect, at its own expense, a reflector warning sign at the crossing, the same first to be approved as to design and location by the Chief Engineer of the Board. The future maintenance of the roadway up to the end of the ties, on each side of the track, shall be placed upon the township. In other respects, all crossing maintenance shall be placed upon the railway company. The above work should be completed on or before August 1, 1938.

JUNE 16, 1938.

Commissioners Stoneman and Stone concurred.

ORDER No. 56060

In the matter of the application of the Township of Guelph, in the Province of Ontario, for an Order requiring that the crossing of Galt Street by the Canadian National Railways (just east of the city limits of Guelph) be made a public crossing.

File No. 26711.641

SATURDAY, the 18th day of June, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Guelph, May 31, 1938, in the presence of Counsel for the Township of Guelph and the Railway Company, and what was alleged; and upon an inspection by the Board of the locus in quo—

The Board declares the said crossing of Galt Street by the Canadian National Railways, in the Township of Guelph, Province of Ontario, mileage 46.93 Brampton Subdivision, to be a public crossing; and the Railway Company is hereby required forthwith to undertake the necessary construction, at its own expense, to render it a public crossing in accordance with the Standard Regulations of the Board Affecting Highway Crossings. *And it is ordered:*

That the Township of Guelph forthwith, at its own expense, grade Galt Street for a distance of at least forty feet on each side of the railway right of way; improve the sight lines on the north-westerly angle of the crossing by removing a portion of the embankment on railway property; and, in accordance with consent of Counsel for the Township at the hearing, erect, at its own expense, stop signs upon the roadway, on each side of the crossing, as well as a reflector warning sign; the same first to be approved as to design and location by the Chief Engineer of the Board.

And it is further ordered that the future maintenance of the roadway up to the end of the ties, on each side of the track, be borne and paid by the Township of Guelph; all other crossing maintenance to be borne and paid by the Canadian National Railways; and that the work herein provided for be completed on or before the 1st day of August, 1938.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56095

In the matter of the application of the Northern Alberta Railways Company, hereinafter called the "Applicant Company," under Section 330 of the Railway Act, for approval of its Standard Local Freight Distance Class Tariff C.R.C. No. 53, on file with the Board.

File No. 36912.1

TUESDAY, the 28th day of June, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Chief Traffic Officer of the Board,—

It is ordered: That the said Standard Local Freight Distance Class Tariff of the applicant company, C.R.C. No. 53, on file with the Board under file No. 36912.1, be, and it is hereby, approved; the said tariff, with a reference to this order, to be published in at least two weekly issues of *The Canada Gazette*.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56111

In the matter of the application of the General Motors of Canada, Limited, Oshawa; Chrysler Corporation of Canada, Limited, Windsor; and Ford Motor Company of Canada, Limited, Windsor, for suspension of Rule 17, Agent Ransom's Tariff C.R.C. No. 527, as amended in Supplement No. 11 thereto, effective June 30.

File No. 8799.1

THURSDAY, the 30th day of June, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon reading the application, and the report and recommendation of the Chief Traffic Officer of the Board,—

It is ordered: That the said Rule 17 of Agent Ransom's Tariff C.R.C. No. 527, as amended in Supplement No. 11 thereto, effective June 30, 1938, be, and it is hereby, suspended until further order of the Board.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56112

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 29th day of June, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 4 to Tariff C.R.C. No. E-4790, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 4 to Tariff C.R.C. No. E-4790, approved herein, are as follows:—

		Cents per 100 pounds		
		Groups		
Item	Minimum	H	K	L
Item	Minimum	H	K	L
280B	60,000	101	103	104
"	"	87	88½	89
"	From Bridgetown,			
"	N.S.	120		
"	"	105½		
	40,000	159½	162½	164
"	From Bridgetown,			
"	N.S.	179½		
430A		159½	162½	164
930		L.C.L. 367½	375	377½
	20,000	C.L. 183	186½	188
1320A		L.C.L. 367½	375	377½
	30,000	C.L. 208	212	213½
1330A		130½	133	134
1380A	24,000	199	203	204½
	40,000	130½	133	134
1960		417	425½	428½
2546A		171½	175	175
	From Yarmouth,			
	N.S.	181		
2820B	50,000	111	113½	114
	Glucose, Corn Sugar } and Corn Syrup Minimum			
	60,000	111	113½	114
	50,000			
	Glucose, Corn Sugar, } Starch, etc.	121	123½	124½
2823A		111	113½	114
2840B		92½		

From stations on the Dominion Atlantic Railway one and one-half cents per one hundred pounds to be deducted on account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56125

In the matter of the applications of the New York Central Railroad Company, and the Michigan Central Railroad Company, hereinafter called the "Applicant Companies," for permission to file on less than statutory notice supplements to amend their Tariffs C.R.C. Nos. L.S.-117 and 3674.

File No. 27612.185

SATURDAY, the 2nd day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas Item 626-A of Supplement 63 to New York Central Railroad Tariff C.R.C. No. L.S.-117, and Item 1163-A of Supplement 54 to Michigan Central Railroad Tariff C.R.C. No. 3674, name rates on petroleum coke and petroleum coke breeze from Toledo, Ohio, to Niagara Falls, Thorold, and Welland, Ontario, of 209, 187, and 165 cents per ton of 2,000 pounds, respectively, but through clerical error the said items do not provide that the rates published therein are competitive rates and will not apply to intermediate points in Canada, which restriction is contained in tariffs of competing lines containing the same rates, and the applicant companies desire to make correction on less than statutory notice,—

It is ordered: That the applicant companies be, and they are hereby, granted leave to file on one day's notice supplements to their Tariffs C.R.C. Nos. L.S.-117 and 3674 providing that the said rates are competitive and will not apply to intermediate points in Canada, subject to similar authority being received from the Interstate Commerce Commission.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 56136

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 30th day of June, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 3900A, 3905C, and 3910A, from Saint John, New Brunswick, to points mentioned below, in Supplement No. 8 to Tariff C.R.C. No. E-4840, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said items 3900A, 3905C, and 3910A, from Saint John, New Brunswick, to points mentioned below, in Supplement No. 8 to Tariff C.R.C. No. E-4840, approved herein, are as follows:—

Item 3900A	To	Cents per 100 pounds
	Fenwick, Ont.	35½
	Fonthill, Ont.	35½
	Ingersoll, Ont.	37
3905C	Niagara-on-the-Lake, Ont.	34½
	Port Dalhousie, Ont.	35½
3910A	St. Davids, Ont.	34½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56139

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 4th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 44 to Tariff C.R.C. E-1238.
 Supplement 43 to Tariff C.R.C. E-1258.
 Supplement 42 to Tariff C.R.C. E-1689.
 Supplement 49 to Tariff C.R.C. E-1974.
 Supplement 36 to Tariff C.R.C. E-2444.
 Supplement 13 to Tariff C.R.C. E-2474.
 Supplement 8 to Tariff C.R.C. E-2629.
 Supplement 9 to Tariff C.R.C. E-2629.
 Tariff C.R.C. No. E-2822.
 Tariff C.R.C. No. E-2823.

H. GUTHRIE,
Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF RAILWAY COMMISSIONERS, MAY, 1938

Railway accidents 87, with 20 killed and 83 injured
 Railway accidents at highway crossings..... 15, with 5 killed and 14 injured

	Killed	Injured
Passengers	—	13
Employees	5	44
Others	20	40
	<u>25</u>	<u>97</u>

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

QUEBEC

Accidents	K.	I.	
1	—	1	Pedestrian—Pedestrian passed under lowered gates.
1	1	—	Automobile—Auto driver failed to stop for crossing; struck by train. Licence Que. 131914.
1	1	—	Automobile—Auto stopped foul of track; struck by train. Licence Que. 48-574.
1	2	—	Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence 18-457.
1	—	2	Auto Truck—Truck driver failed to stop for crossing; attempted to beat train. Licence Que. F-1775.

ONTARIO

1	—	2	Horse-drawn Vehicle—Horse-drawn buggy struck by train.
1	—	2	Auto Truck—Auto truck drove onto crossing in front of approaching train and was struck. Licence Ont. 55-756C.
1	—	1	Automobile—Auto stopped on track in front of approaching train and was struck. Licence Ont. 465-R-8.
1	—	1	Auto Truck—Auto truck drove onto crossing in front of approaching train and was struck. Licence Ont. 14979-C.

MANITOBA

1	—	1	Automobile—Auto struck track motor car. Licence Man. 11-610.
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SASKATCHEWAN

1	—	1	Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence Sask. 35-290.
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ALBERTA

1	1	—	Automobile—Auto drove onto crossing in front of approaching train and was struck. Licence Alta. 51270.
1	—	1	Auto ran into side of train. Licence Alta. 79-160.
1	—	1	Auto Truck—Auto truck drove onto crossing in front of approaching train and was struck. Licence Alta. D-10-033.

BRITISH COLUMBIA

1	—	1	Automobile—Auto driver failed to heed flagman's warning, and collided with moving cars. Licence B.C. 36-404.
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Of the fifteen accidents at highway crossings, fourteen occurred at unprotected crossings and one at a protected crossing.

Twelve of the accidents occurred after sunrise and three after sunset.

July 4, 1938.

SUMMARY OF ORDERS ISSUED BY THE BOARD

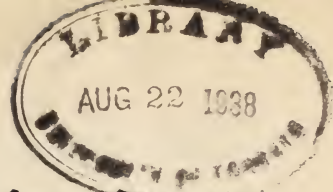
55979. June 1—Declaring the C.N.R. crossing at mileage 40·38 Unity South-westerly Branch protected to Board's satisfaction.
55980. June 1—Approving proposed location of two storage tanks, etc., of Universal Petroleum Co., Ltd. at Limoilou, Que. (C.N.R.)
55981. June 1—Approving proposed location of oil warehouse, etc. of Manitoba Co-operative Wholesale, Ltd., at Lowe Farm, Man. (C.N.R.)
55982. June 2—Authorizing the C.N.R. and the C.P.R. to use bridge over Saint John River, Fredericton, N.B.
55983. June 3—Authorizing the C.N.R. to file an amendment to their Tariff C.R.C. No. E-2604, on one day's notice, cancelling Hepworth, Ont., as a station at which collection and/or delivery service will be performed.
55984. June 3—Authorizing the Wabash Railway Co. to file a new tariff naming increased rates on refrigerators and paper cans from Chicago, to Montreal, effective upon one day's notice, subject to necessary authority being received from Interstate Commerce Commission.
55985. June 1—Approving location of two tanks, etc. of Imperial Oil, Ltd., at Beardmore, Ont. (C.N.R.)
55986. June 3—Approving under Maritime Freight Rates Act supplement to tariff filed by the C.P.R. under sec. 9.
55987. June 3—Approving under Maritime Freight Rates Act tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
55988. June 3—Joint order of The Board of Railway Commissioners and The Ontario Municipal Board authorizing the Sandwich, Windsor & Amherstburg Rly. Co. to remove "turn around" track from premises of the N.Y.C. Rly. Co., at Windsor, Ont.
55989. June 3—Authorizing the C.P.R. to construct its underground wires from its station across Pacific Ave., along Tenth St., and along lane between Cecil Hotel, etc., Brandon, Man.
55990. June 4—Declaring the C.N.R. crossing first east of Bells Corners Station, Ont., protected to Board's satisfaction.
55991. June 4—Declaring the C.P.R. crossing at mileage 87·01 Macleod Subdv., protected to Board's satisfaction.
55992. June 3—Approving location and dimensions of C.N.R. station at Holland Landing, Ont.
55993. June 3—Authorizing the Sandwich, Windsor & Amherstburg Railway Co. to remove crossing by its tracks of the tracks of the N.Y.C. Rly Co. at Amherstburg, Ont.
55994. June 3—Slightly amending Order No. 55692 *re* subway under C.P.R. at Park Ave., Montreal, Que.
55995. June 3—Approving location of proposed passenger shelter and cinder platform of the C.N.R. at Washagami, Ont.
55996. June 3—Refusing application of the Municipality of Piedmont, Que., for an order directing the C.P.R. to construct a new station.
55997. June 3—Authorizing the C.P.R. to remove its station agent at Colborne, Ont.
55998. June 4—Authorizing the town of Bowmanville, Ont., to construct a temporary public crossing over the C.N.R. east of station at Bowmanville, Ont.
55999. June 6—Approving tariff C.R.C. No. 6521 (2nd Revised Sheet 1) and amending Part XXI of Board's Judgment dated Feb. 21, 1927, by transferring Waterloo, Que. from Group IX to Group VIII. (Bell Telephone Co.)
56000. June 7—Approving Traffic Agreements between the Bell Telephone Co. and
56001. June 6—Mallorytown Telephone Co., Ltd., Wolford Rural Telephone Co., Ltd.,
56002. Perkins Telephone Co., Ltd., Elmsley South Rural Telephone Co., Ltd.,
56003. and Rural Telephone Co. of Kitley, Ltd.
- 56004.
56005. June 4 Authorizing the C.N.R. to construct proposed extension to wyetail track across Mink Road at Conway, P.E.I.
56006. June 7—Authorizing the C.P.R. to construct its tracks at grade across St. James St., Port Arthur, Ont., etc.
56007. June 7—Approving under Maritime Freight Rates Act tolls published in certain tariffs filed by the C.N.R. under sec. 3.

- 56008. June 8—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Sydney & Louisburg Railway Co. under sec. 9.
- 56009. June 7—Authorizing the C.N.R. to remove shelter at Bankfield, Ont.
- 56010. June 8—Approving traffic agreement between the Bell Telephone Co. and the Belmont Telephone Co-operative Association Ltd.
- 56011. June 8—Authorizing the C.P.R. and the C.N.R. to operate their trains over crossing of their railways at South Devon, N.B.
- 56012. June 8—Declaring the C.N.R. crossing at mileage 87·61 Grand Falls Subdv., protected to Board's satisfaction.
- 56013. June 8—Declaring the C.P.R. crossing at mileage 41·66 Winchester Subdv. protected to Board's satisfaction.
- 56014. June 6—Authorizing the C.P.R. to discontinue from Nov. 1 to April 1 in each year the use of bolt-locking device on derails where its wye track connects with the passing track to Montebello, Que., mileage 74·50 Lachute Subdv.
- 56015. June 8—Approving service station contract between the Bell Telephone Co. and the Granby Hill Telephone Association.
- 56016. June 10—Approving traffic agreement between the Bell Telephone Co. and the Sebright Telephone Co., Ltd.
- 56017. June 8—Approving proposed location of gasoline storage tank, etc., to be used jointly by the McColl Frontenac Oil Co., Ltd., and the Irving Oil Co. Ltd., at Antigonish, N.S.
- 56018. June 8—Approving the proposed location of additional tank and pipe line of the North Star Oil, Ltd., at Benito, Man. (C.N.R.)
- 56019. June 10—Requiring that the private crossing of the C.N.R. at mileage 19·85 Bala Subdv. be protected by the erection of whistle posts, etc.
- 56020. June 11—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the C.P.R. under sec. 9.
- 56021. June 13—Declaring the C.N.R. crossing at mileage 110·2 Cornwall Subdv. protected to Board's satisfaction.
- 56022. June 11—Requiring the C.N.R. to install bell and wigwag at crossing of Hume St., Collingwood, Ont.
- 56023. June 13—Approving clearances at bridge on Westminster Ave., Montreal, West, during installation of temporary falsework. (C.P.R.)
- 56024. June 13—Rescinding Order No. 54744 *re* highway crossing over the C.P.R. at St. Denis St., Three Rivers, Que.
- 56025. June 13—Approving traffic agreement between the Bell Telephone Co. and the Muskoka & Parry Sound Telephone Co., Ltd.
- 56026. June 13—Approving revised appendix "A" to traffic agreement between the Bell Telephone Co. and the Hopetown Telephone Co., Ltd.
- 56027. June 13—Declaring the C.P.R. crossing at mileage 84·44 Carberry Subdv. protected to Board's satisfaction.
- 56028. June 14—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 56029. June 13—Refusing application on behalf of settlers of Val d'Espoir County of Gaspé South, Que., for removal of "Summit" station from its present location to a new location at Nealor Siding (C.N.R.).
- 56030. June 14—Authorizing the T. H. & B. Rly. Co. to close its station at Vaughan, Ont.
- 56031. June 13—Approving Traffic Agreement between the Bell Telephone Co. and the Oro Telephone Co., Ltd.
- 56032. June 14—Requiring the C.P.R. to construct a station building at Meath Park, Sask.
- 56033. June 13—Declaring the C.N.R. crossing at mileage 103·7 Rosetown Subdv., protected to Board's satisfaction.
- 56034. June 14—Authorizing the T. H. & B. Rly. Co. to close its station at Mineral Springs, Ont.
- 56035. June 14—Authorizing the T. H. & B. Rly. Co. to close its station at Mount Pleasant, Ont.
- 56036. June 14—Authorizing the T. H. & B. Rly. Co. to close its station at Vanessa, Ont.
- 56037. June 14—Authorizing the C.N.R. to remove caretaker appointed at Holland Landing Station, Ont.
- 56038. June 14—Authorizing the N.Y.C. Railroad Co. to remove the caretaker and close station at Kingsmill, Ont.

56039. June 14—Authorizing the Toronto Harbour Commissioners to construct a siding from their main lead track on the Marginal Way west of Cherry St., to serve the lands to be leased by them to The Elias Rogers Co., Ltd., Toronto.
56040. June 14—Declaring the N.Y.C. Railroad Co. crossing at mileage 19·52 Niagara Branch protected to Board's satisfaction.
56041. June 15—Declaring the C.N.R. crossing at mileage 0·69 Montreal Terminal Subdv., protected to Board's satisfaction.
56042. June 15—Declaring the C.P.R. crossing at mileage 102·64 Taber Subdv., protected to Board's satisfaction.
56043. June 15—Declaring the C.P.R. crossing at mileage 141·0 Willingdon Subdv., protected to Board's satisfaction.
56044. June 15—Extending the time within which branch line may be constructed by the C.P.R. at mileage 45·03 Lachute Subdv.
56045. June 17—Approving Traffic Agreements between the Bell Telephone Co. and the Enterprise Telephone System, Ltd., Addington Telephone Co., Ltd.,
56046. and Yarker Telephone Co.
- 56047.
56048. June 10—Refusing application of Board of Control of City of Toronto for an Order to effectively control smoke nuisance caused by round-houses.
56049. June 17—Approving service station contract between the Bell Telephone Co. and
56050. June 17—Authorizing the C.N.R. and the C.P.R. to change conditions at transfer the Telephone System of the Township of Widdifield.
- track at Rosetown, Sask.
56051. June 17—Declaring C.N.Rys. crossing (Bells Crossing) south of Glenross, Ont., protected to Board's satisfaction.
56052. June 17—Approving location of storage tanks, etc., of Cities Service Oil Co., Ltd., near tracks of C.P.R. at Goderich, Ont.
56053. June 17—Declaring C.N.Rys. crossing, first east of Norwich Station, Ont., protected to Board's satisfaction.
56054. June 17—Directing C.P.R. to install two wigwags and two bells at crossing of Town Line Road near Palgrave, Ont.
56055. June 17—Approving location of storage tanks, etc., of North Star Oil Ltd., at Ste Rose, Man.
56056. June 17—Declaring C.P.R. crossing of Roseglen Ave., Tp. Durham, Ont., protected to Board's satisfaction.
56057. June 20—Approving tolls published in tariffs filed by C.N.Rys. under sec. 3 of Maritime Freight Rates Act.
56058. June 21—Approving tolls published in item 250 of supp. 16 to tariff C.R.C. No. 986 filed by Dominion Atlantic Ry. under sec. 9 of Maritime Freight Rates Act.
56059. June 21—Authorizing C.N.Rys. to operate over drawbridge across Narrows between Lake Couchiching and Lake Simcoe, Ont.
56060. June 18—Directing Tp. Guelph, Ont., to grade approaches and improve sight lines at crossing of Galt Street, just east of city limits of Guelph, Ont.
56061. June 23—Approving traffic agreement between Bell Telephone Co., and La Compagnie de Telephone de Bromptonville.
56062. June 23—Declaring Dominion Atlantic Ry. crossing, first west of Port William, N.S., protected to Board's satisfaction.
56063. June 23—Authorizing C.P.R. to construct pedestrian crossing near west side of what was originally Como Street at mileage 93·60 Boundary Subd'n, B.C.
56064. June 17—Approving and authorizing clearances at warehouse on Dominion Atlantic Ry. spur serving V. B. Messenger at Paradise, N.S.
56065. June 17—Approving and authorizing clearances at loading platform on C.P.R. spur serving Austin Lumber (Dalton) Ltd., at mileage 18·5 Heron Bay Subd'n, Ont.
56066. June 18—Authorizing New York Central R.R. to remove agent at Iona, Ont., (Caretaker to be appointed).
56067. June 23—Approving service station contracts between Bell Telephone Co., and
56068. Greenwood Telephone Ass'n; Mount Granite Tel. Co., Ltd.; Korah Base
56069. Line Tel. Co., Ltd.; Elliott Private Telephone Line; Korah Central
56070. Tel. Co., Ltd.; Melrose Tel. Co., Ltd.; Superior Telephone Club; Farmer
56071. Private Telephone Line; and Traffic Agreement with Corp'n of Tp. of
56072. Sandwich South.
- 56073.
- 56074.
- 56075.

- 56076. June 22—Authorizing C.P.R. to construct spur to serve G. M. Strong Co. Ltd., near St. Jerome, Que.
- 56077. June 24—Relieving C.P.R. from maintaining cattle guards at five crossings in Tp. Deschambault, Co. Portneuf, Que.
- 56078. June 23—Authorizing C.N.Rys. to change location of wigwag signal installed at crossing at Causapsca, Que.
- 56079. June 24—Declaring London & Port Stanley Ry. crossing immediately south of Stop 2, Ont., protected to Board's satisfaction.
- 56080. June 23—Authorizing Alberta Dep't Public Works to construct highway crossing over C.P.R. at Parkland, Alta.
- 56081. June 18—Rescinding Order 54766, Aug. 31, 1937, authorizing Ontario Dep't Highways to construct subway under C.N.Rys. on Lot 15, Range 1, Tp. Eckfrid, Co. Middlesex, Ont.
- 56082. June 18—Directing New York Central R.R. to erect a reflector sign at crossing West Quarter Town Line Road, Tp. of South Norwich, Ont.
- 56083. June 24—Approving location of Marine Terminal, etc., of Shell Oil Co., of Canada, Ltd., along C.P.R. at Brockville, Ont.
- 56084. June 24—Approving Appendix "A" to traffic agreement between Bell Telephone Co., and La Compagnie de Telephone St. Donat, Ltée.
- 56085. June 18—Directing C.P.R. to install additional wigwag at crossing of Provincial Highway No. 2, 1.97 miles east of Chatham station, Ont.
- 56086. June 18—Declaring the C.N.R. crossing of Dalhousie St., Brantford, Ont., protected to Board's satisfaction.
- 56087. June 24—Slightly amending Order No. 55459, dated Jan. 17, 1938, *re* protection at crossings of Caradoc and Metcalfe Sts., County of Middlesex, and Oxford, Victoria, & Richmond Streets, Strathroy, Ont. (C.N.R.)
- 56088. June 24—Relieving the C.P.R. from maintaining cattle guards at certain crossings
- 56089. June 22—on its Owen Sound, & Walkerton, Subdivisions.
- 56090. June 24—
- 56091. June 24—
- 56092. June 24—Approving supplement to traffic agreement between the Bell Telephone Co. and Sprague Telephone System.
- 56093. June 27—Authorizing the Dept. of Public Works for New Brunswick to relocate
- 56094. June 27—existing crossings of the C.N.R. at Jacquet River, N.B. and Charlo, N.B.
- 56095. June 27—Approving standard local freight distance class tariff of the Northern Alberta Railways Co.
- 56096. June 27—Slightly amending Order No. 56017 dated June 8, 1938, *re* storage tanks, etc., at mileage 84+23 Mulgrave Subdv. C.N.R.
- 56097. June 27—Authorizing the C.N.R. to reconstruct the apron, substructure, and gantry at Ogden Point Ferry Slip, Victoria, B.C.
- 56098. June 27—Requiring the C.N.R. to maintain speed restriction of ten miles an hour in operation of trains over all public crossings between Steel and Mitchell Sts., and Fraser to Killaly Sts., Port Colborne, Ont.
- 56099. June 27—Authorizing the Pere Marquette Railway Co. to remove station agent at Erieau, Ont., etc.
- 56100. June 27—Authorizing the C.N.R. to close signal tower at Milton Diamond, Ont., at certain hours of the day.
- 56101. June 25—Approving supplement to service station contract between Bell Telephone Co. and the Purbrook & Fraserburg Telephone Co., Ltd.
- 56102. June 25—Requiring the C.N.R. to install an additional wigwag signal to bell at crossing of Main St., Parkhill, Ont.
- 56103. June 25—Relieving the C.N.R. from fencing their station grounds at Eldred, Sask.
- 56104. June 27—Approving location of storage tanks, etc., of the Cities Service Oil Co., Ltd., in the C.P.R. yards at Owen Sound, Ont.
- 56105. June 27—Authorizing the Dominion Atlantic Railway Co. to move the bell and wigwag installed at crossing of the highway at the east end of the Town of Lawrencetown, N.S., to a new location.
- 56106. June 27—Declaring the Esquimalt & Nanaimo Railway crossing at mileage 91+9 Victoria Subdv., protected to Board's satisfaction.
- 56107. June 29—Slightly amending Order No. 55753 dated March 31, 1938, *re* subway to be constructed under C.P.R. at mileage 1+5 Ste. Agathe Subdv. to provide for labour and material restrictions.

56108. June 29—Slightly amending Order No. 54895 dated September 27, 1937, *re* diversion at Newport, Que., to provide for labour and material restrictions.
56109. June 29—Slightly amending Order No. 55286 dated Dec. 4, 1937, *re* subway to be constructed under the Quebec Central Railway at Ascot Corner, Que., to provide for labour and material restrictions.
56110. June 29—Slightly amending Order No. 54842 dated September 20, 1937, *re* overhead bridge to be constructed across the C.N.R. on Route No. 14, mileage 14.5 Rouses Point Subdv., to provide for labour and material restrictions.
56111. June 30—Suspending Rule 17 of Agent Ransom's Tariff C.R.C. No. 527 as amended in supplement No. 11 thereto.
56112. June 29—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
56113. June 28—Approving location of two storage tanks, etc., of the North Star Oil, Ltd., at Lintlaw, Sask. (C.N.R.)
56114. June 28—Approving abandonment of operation of that portion of C.N.R. Morency Spur Branch of the Batiscan Subdv., Que., between La Jemmerais Siding and Mont Mills, subject to certain conditions.
56115. June 28—Authorizing the trains of the Nipissing Central Railway Co. to approach and pass over crossing of the C.N.R. at Rouyn, Que., at a rate of speed not exceeding ten miles an hour without first coming to a stop, and the C.N.R. at a rate of speed not exceeding fifteen miles an hour.
56116. June 28—Requiring the C.N.R. to make all necessary repairs to the roof of the subway on Highway No. 1, between Charney and Breakeyville, Que.
56117. June 29—Relieving the Pere Marquette Railway Co. from maintaining cattle guards
to at certain crossings in Township of South Gosfield, Township of Mersea,
56124. Township of Sandwich East, Township of the Gore of Camden, Township of Dunwich, Township of Sarnia, Township of South Colchester, and Township of Romney, all in the Province of Ontario.
56125. July 2—Authorizing the New York Central Railroad Co. to file supplements to their tariffs C.R.C. Nos. L.S. 117 and 3674 providing that the said rates are competitive and will not apply to intermediate points in Canada, etc.
56126. June 30—Declaring the C.N.R. crossing at mileage 18.25 Rimouski Subdv., protected to Board's satisfaction.
56127. June 30—Authorizing the C.P.R. to remove station agent at Aylmer, Que., subject to a caretaker being appointed in lieu thereof.
56128. June 30—Authorizing the C.N.R. to close West Junction, Que., as a traffic stop.
56129. June 30—Declaring the Esquimalt & Nanaimo Railway crossing at mileage 73.0 Victoria Subdv., protected to Board's satisfaction.
56130. June 29—Approving location of storage tank, etc., of the North Star Oil Ltd., at Russell, Man. near tracks of C.N.R.
56131. June 29—Approving location of additional tank, etc. of the North Star Oil Ltd., at Erickson, Man. (C.N.R.)
56132. June 29—Approving location of two vertical storage tanks, etc. of North Star Oil Ltd., at Langruth, Man. (C.N.R.)
56133. June 30—Approving location of additional storage tank of the Provincial Oils Ltd., near Barrington St., Halifax, N.S. (C.N.R.)
56134. June 30—Authorizing the C.N.R. to reconstruct railway bridge at mileage 115.0 Three Hills Subdv., Alta.
56135. June 30—Requiring the Quebec Railway, Light & Power Co. to move to the outer edge of the street line on Dalhousie St., Quebec, certain steel trolley wire poles, so as to provide standard clearance.
56136. June 30—Approving under Maritime Freight Rates Act, tolls published in items in supplement to tariff filed by the C.P.R. under sec. 9.
56137. June 30—Authorizing the C.N.R. to cross Quetton Street and Cumberland Street in Village of Washago, Ont., with a proposed storage track.



The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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ORDER No. 56170

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 12th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

S. J. McLEAN, *Assistant Chief Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 15 to Tariff C.R.C. No. E-1231.

Supplement 10 to Tariff C.R.C. No. E-2311.

Tariff C.R.C. No. E-2825.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56175

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 13th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

S. J. McLEAN, *Assistant Chief Commissioner.*

The Board orders:

1. That the toll published in item 112 of Supplement No. 21 to Tariff C.R.C. No. 907, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 112 of Supplement No. 21 to Tariff C.R.C. No. 907, approved herein, is 5 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56176

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 13th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*S. J. McLEAN, *Assistant Chief Commissioner.**The Board orders:*

1. That the toll published in item 447 of Supplement No. 25 to Tariff C.R.C. No. 1006, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 447 of Supplement No. 25 to Tariff C.R.C. No. 1006, approved herein, is 13 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56177

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

WEDNESDAY, the 13th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*S. J. McLEAN, *Assistant Chief Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.R.C. No. 769, filed by the Temiscouata Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 769, approved herein, are as follows:—

Miles	Cents per 100 pounds
5	6½
10	6½
15	7
20	7
30	7½
40	8
50	9½
60	10
70	10½
80	11
90	12
100	12½
125	13

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56178

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 13th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

S. J. McLEAN, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 5 to Tariff C.R.C. No. E-4790, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 5 to Tariff C.R.C. No. E-4790, approved herein, are as follows, namely:—

		Cents per 100 pounds		
		Groups		
		H	K	L
Minimum	L.C.L.	367½	375	377½
	30,000	217	221½	223
	24,000	252½	257½	259½
	(5)	292	297½	300

(5) See Supplement No. 5 of Tariff C.R.C. No. E-4790 for application.

From stations on the Dominion Atlantic Railway one and one-half cents per one hundred pounds to be deducted on account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56173

In the matter of the application of the Wabash Railway Company, hereinafter called the "Applicant Company," for permission to make correction on less than statutory notice in the rate on lime nitrogen from Niagara Falls, Ontario, to Warners, New Jersey.

File No. 27612.186

THURSDAY, the 14th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

S. J. McLEAN, *Assistant Chief Commissioner.*

Whereas Item 580 of the applicant company's Tariff C.R.C. No. 1811 names a rate of 230 cents per net ton of 2,000 pounds on lime nitrogen from Niagara Falls, Ontario, to Warners, New Jersey, while other interested carriers publish the rate in cents per hundred pounds, namely, 11½ cents—equal to 230 cents per net ton; but, in applying the 10 per cent increase prescribed in *Ex Parte* 123, the applicant company's rate resulted in being 253 cents per net ton, or 7 cents per ton lower than the basis currently applicable via other carriers whose 11½ cent rate was increased to 13 cents per 100 pounds, or 260 cents per ton; and, in order to continue to keep the rate published by the applicant company

on a uniform basis with the rate via other carriers, it is desired to make correction on less than statutory notice,—

It is ordered: That the applicant company be, and it is hereby, granted leave to arrange for publication, on one day's notice, of a rate of 260 cents per net ton on lime nitrogen from Niagara Falls, Ontario, to Warners, New Jersey.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56174

In the matter of the application of the Canadian National Railways, herein-after called the "Applicants," for permission to file on less than statutory notice a supplement to their Tariff C.R.C. No. W-735, to correct an error.

File No. 27612.187

THURSDAY, the 14th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
S. J. McLEAN, *Assistant Chief Commissioner.*

Whereas item 36 of Supplement No. 38 to the applicants' Tariff C.R.C. No. W-735 names rates on petroleum and petroleum products in packages or in tank cars from International Boundary, Ontario (north of Ranier, Minnesota), to Calgary, Alberta, but, due to a typographical error, the "package" and "tank car" rates were reversed, and the applicants now desire to make correction on less than statutory notice,—

It is therefore ordered: That the applicants be, and they are hereby, granted leave to file, on one day's notice, a supplement to their Tariff C.R.C. No. W-735 to correct the said error.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56187

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

SATURDAY, the 16th day of July, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
S. J. McLEAN, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in Index No. 2210 of Supplement No. 15 to Tariff C.R.C. No. 194, filed by the Fredericton and Grand Lake Coal and Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried

under the said Index No. 2210 of Supplement No. 15 to Tariff C.R.C. No. 194, approved herein, are as follows:—

Index	Cents per ton of 2,000 lbs.
2210	(⁹) 125
	140

(⁹) For application see Supplement No. 11 to Tariff C.R.C. No. 194.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56192

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act; and the Order of the Board No. 56008, dated June 8, 1938, approving tolls published in the Sydney and Louisburg Railway Company's Tariff C.R.C. No. 64

File No. 34822.8

WEDNESDAY, the 20th day of July, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 64, filed by the Sydney and Louisburg Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 64, approved herein, are as follows:—

Miles	Cents per 100 pounds
10	4
20	4
30	4
40	5

3. And the Board further orders that the said Order No. 56008, dated June 8, 1938, be, and it is hereby, rescinded.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56193

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

WEDNESDAY, the 20th day of July, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of said Section 3, namely:—

Supplement 45 to Tariff C.R.C. No. E-1238
 Supplement 70 to Tariff C.R.C. No. E-1244
 Supplement 47 to Tariff C.R.C. No. E-2248
 Supplement 37 to Tariff C.R.C. No. E-2444
 Supplement 14 to Tariff C.R.C. No. E-2474
 Supplement 2 to Tariff C.R.C. No. E-2745
 Supplement 5 to Tariff C.R.C. No. E-2762

H. GUTHRIE,

Chief Commissioner.

ORDER No. 56194

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.14

WEDNESDAY, the 20th day of July, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.R.C. No. 768, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.R.C. No. 768, approved herein, are as follows:—

Miles	Cents per 100 pounds
40	5
50	6
60	6½
80	7½
100	9
120	10

H. GUTHRIE,

Chief Commissioner.

GENERAL ORDER No. 575

In the matter of rules and regulations governing the construction and filing of freight and passenger schedules with the Board.

File No. 606

THURSDAY, the 14th day of July, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

S. J. McLEAN, *Assistant Chief Commissioner.*

Whereas the General Order of the Board No. 479, dated June 28th, 1929, approved and prescribed rules and regulations governing the construction and filing of freight and passenger schedules, as contained in Circular No. 223, attached thereto;

And whereas, by recent Act of the Parliament of Canada, the Board of Railway Commissioners for Canada shall hereafter be and be known as The Board of Transport Commissioners for Canada—

It is ordered as follows:

1. Hereafter, the term, "Board of Railway Commissioners for Canada," wherever it appears in Circular No. 223, should be read as, "Board of Transport Commissioners for Canada"; and wherever the term "C.R.C." appears therein it should be read as "C.T.C."

2. Circular No. 223 provides, in Rule No. 1 thereof, that tariffs and supplements must be consecutively numbered with the prefix "C.R.C." in the upper margin of title page. With the filing of tariffs and supplements issued on and after August 1st, 1938, the prefix "C.R.C." in the upper margin of title page must be changed to read "C.T.C." This, however, does not mean any change in the present consecutive numbering of tariff schedules. For example, if a railway or tariff publishing agent has on file a tariff C.R.C. No. 1000, as well as, say, five supplements thereto, and Supplement 6 to the said tariff is issued on or after August 1st, 1938, it will read, "Sup. 6 to C.T.C. No. 1000," and if Tariff 1001 is issued on or after the same date, it will read, "C.T.C. No. 1001."

3. Similarly, in the case of Special Rate Notices, Filing Advices, Powers of Attorney, Concurrences, Revocation Notices, or any other documents at present bearing C.R.C. numbers, the numbers will be continued consecutively, but the prefix "C.R.C." will be changed to read, "C.T.C."

4. It will also be understood from the foregoing that, wherever the term, "Board of Railway Commissioners for Canada," is used in tariffs, filing advices, powers of attorney, concurrences, revocation notices, or any other document, it should, as such documents are from time to time revised or reissued, be changed to read, "Board of Transport Commissioners for Canada."

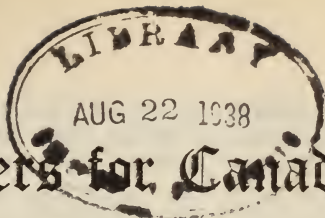
5. It will not be necessary to show any reference mark in tariff schedules indicating the nature of the changes outlined herein.

6. Supplies of printed forms or documents now on hand may be exhausted, provided that, by stamp, typewriter, or otherwise, wherever the term, "Board of Railway Commissioners for Canada," appears therein, the word "Railway," is changed to read, "Transport."

7. All correspondence should, in future, be addressed to The Board of Transport Commissioners for Canada.

H. GUTHRIE,
Chief Commissioner.

The Board of Transport Commissioners for Canada



Judgments, Orders, Regulations, and Rulings

Vol. XXVIII

August 15, 1938

No. 11

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Application of the Town of Weston for an Order of the Board rescinding approval of tariff schedules of the Bell Telephone Company covering changes in regulations and charges governing Foreign Exchange Service and directing continuance of the existing regulations and charges for such service.

Case No. 955.164.

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was heard at Toronto on first, second and third days of June, 1938, in the presence of counsel and representatives of the Town of Weston and of the Bell Telephone Company.

The fundamental and standard services of the telephone company consist of the provision for local and long distance services, and the plant and facilities are primarily designed to furnish these standard services. The local service is the furnishing of the facilities required for communication between stations or subscribers within the area of the specifically named exchange, embracing a city, town or community, and the tolls for local exchange service vary according to the size of the exchange conformably to the grouping prescribed by the Board in 1927 (Vol. 16, Board's Judgments & Orders, pages 254 to 256). Long distance service covers the furnishing of facilities for communication between the telephone subscribers of one local exchange area and the subscribers in another local exchange area, which is subject to long distance tolls, which, of course, vary according to the distance involved. The local exchange service is the most important, the company's average daily connections for the year 1937 being 5,471,000, as compared with average daily connections of 59,000 for long distance service.

In addition to the standard services, there are certain special services furnished to meet unusual conditions or the special requirements of a relatively small number of telephone users, and, under this heading, there is a service designated as foreign exchange service. It is this service and the charges proposed therefor which is here in issue. The Board has never previously had occasion, as a result of any application or complaint made to it, to delve into this matter of foreign exchange service and review it thoroughly. Foreign exchange service is defined in the company's tariff as "exchange service furnished from an exchange which does not normally serve the area in which the subscriber to such service is located. It is not in accordance with the general plan of furnishing telephone service, and is provided subject to the availability

of suitable facilities." For example, adjacent to the Toronto and Montreal local exchange areas, there are other separate local exchange areas which, for convenience, will hereinafter be termed suburban exchanges. The local exchange tolls, permitting unlimited calls between subscribers within these suburban exchanges, are materially lower than the tolls charged within the larger Toronto and Montreal exchange areas, and appear to satisfactorily meet the needs of the majority of the subscribers within the various suburban exchanges. However, there are certain subscribers within these suburban exchanges whose interests are closely associated with the city and who desire, either in addition to the local exchange service or without it, complete Toronto or Montreal city service without the payment therefor of long distance tolls for each call made in accordance with the standard service already herein described. For this service they are, in the first place, charged the same tolls as governing within the Toronto or Montreal exchange, to which no objection has been, or can reasonably be, taken, because they are receiving the same service as subscribers within the Toronto or Montreal exchange. Then, by reason of not being located within the city exchange, but within a foreign exchange, they are assessed a foreign exchange mileage charge over and above the city exchange tolls, computed as hereinafter set out. This additional charge is described and considered by the telephone company as being a commuted or abated charge in lieu of long distance message tolls. In confirmation of this latter statement, reference was made to the company's tariff, C.T.C. No. 2537, effective April 1st, 1913, which appears to cover the inception of this service, and contains the following provision:

"Communication between telephone stations located in different exchange areas is afforded by means of long distance toll lines. The Company's plant is designed to furnish a standard quality of transmission only when telephones or private branch exchange switchboards are connected to the proper exchange area. Therefore, when a subscriber's station is connected to an exchange other than the one intended to serve its location, the rates to be charged are in the nature of commuted tolls in view of the fact that other subscribers obtain such service upon a toll basis. This commuted toll service is known as foreign exchange service, and satisfactory transmission on long distance business cannot be guaranteed over such lines. The subscriber should, therefore, also be connected to the central office serving the area in which the station in question is located."

Since its inception, the methods of computing mileage for foreign exchange service charges have varied from time to time. Since March 1st, 1927, the tariff provisions in this respect have been as follows:

"A. Where it is possible to furnish foreign exchange service by plant extending from the foreign exchange area, the following mileage charges apply:

For the portion of circuit from the applicant's location to the nearest point on the boundary of the foreign exchange area, air line measurement, per month:

	Each $\frac{1}{4}$ Mile or Fraction	Minimum Charge
Individual line	\$1.25	\$2.50
Private branch exchange trunk line	1.25	2.50
Rural line, each main station. . . . .	.75	.75

For the portion of circuit from the boundary of the foreign exchange area to the base rate area boundary of the foreign exchange area, extra exchange mileage charges for the class of service furnished apply."

"B" Where it is not possible to provide foreign exchange service by plant extending from the foreign exchange area, a mileage charge of \$1.25 per month for each quarter mile or fraction thereof, air line measurement, applies to the distance between the toll office in the normal exchange area and the toll office in the foreign exchange area.

By an exception provided for in the Toronto exchange tariff, 2-party line foreign exchange service is provided within the suburban exchanges contiguous to Toronto at a charge of 75 cents per quarter mile or fraction thereof per month, with minimum monthly charge of \$1.50.

While, under tariff provision "B", there is uniformity in the charge, or a flat rate, with respect to foreign exchange subscribers within the same normal exchange area, it produces, generally speaking, higher charges than tariff provision "A", under which there are varying charges based on varying mileages, creating inequalities which it is difficult to recognize as being justified, because the value of the service would be the same for a subscriber paying a foreign exchange charge of \$2.50 per month, for a mileage of one-half mile, as for a subscriber paying \$15.00 per month, for a mileage of three miles. Counsel for the Town of Weston stated that such differences seem to him to be discrimination as between the subscriber nearest the foreign exchange area and the subscriber a considerably greater distance therefrom.

The proposed tariff provision does away with the differing methods of determining the distance for the purpose of computing mileage charges, and, in the general tariff, it is proposed to use the airline measurement between the normal and serving central offices instead of the toll office in the foreign exchange area. The company states the measurement between the toll offices is no longer in accordance with the plant arrangement because, where the foreign exchange circuit is provided between adjoining exchanges, the normal arrangement is to route it from the subscriber's normal central office to the nearest central office (not as a rule the toll office) in the foreign exchange. It is, therefore, proposed to provide that, where exchanges are adjoining, foreign exchange mileage charge would be based on the airline distance between a subscriber's normal central office and the central office from which his foreign exchange service is given. In the case of Weston, the foreign exchange service is provided from the Lyndhurst central office in the Toronto exchange area, instead of the toll office on Adelaide Street. Between Lyndhurst and Weston offices, the airline distance is $3\frac{1}{4}$ miles, as compared with $7\frac{1}{2}$ miles between Weston and Adelaide Street offices. By amendments filed to the Toronto and Montreal exchange tariffs, it is proposed to furnish Toronto or Montreal service in the suburban exchange areas adjacent thereto based upon a fixed or uniform airline distance of 2 miles, regardless of actual distance between the normal and serving central offices, producing, in all cases, a foreign exchange mileage charge of \$10.00 per month.

In so far as concerns Toronto foreign exchange service furnished in the Weston exchange area, the company states it is not in any case provided by direct extension of plant from the foreign (Toronto) exchange area to the subscriber's location, under tariff provision "A," consequently, the literal application of the tariff calls for payment of mileage charges based upon the distance between the Toronto and Weston toll offices located $7\frac{1}{2}$ miles apart, airline measurement. Thus, under the reading of the company's tariff, the charges (basic Toronto exchange toll plus foreign exchange mileage charge) which the Weston subscribers to Toronto foreign exchange service should have been paying are as follows:—

	Per Month
Business individual line	\$44.50
Business party line	28.50
Residence individual line	41.25
Residence party line	25.25

Instead of this, there has been applied, in the case of such subscribers, the mileage charges which would have been applicable under the tariff if they had obtained their service by direct extension of plant from the foreign exchange, producing total charges as follows:—

	Per Month
Business individual line	\$9.50 to \$14.50
Business party line	7.50 to 12.00
Residence individual line	5.75 to 12.00
Residence party line	4.25 to 9.50

The explanation offered with respect to non-enforcement of the present tariff provisions in the case of Weston foreign exchange subscribers was that it is assumed that at one time the foreign exchange service was furnished by direct extension of plant from the Toronto exchange area, and, when the other method of furnishing it was adopted in the case of some subscribers, it probably seemed unreasonable to the local officers to apply such widely different charges for what was in fact the same service, and they probably regarded it as an unimportant matter then, due to the small number of such subscribers at the time. It was also admitted that the application of the higher charges above set out would, no doubt, have had the same effect as if the company had refused to give the service, as alleged in the reply of the applicants to the respondent's answer to the application. The company contends that where, as in the case of Weston, the foreign exchange service is furnished by inter-office circuits, it would be discriminatory, now that it has been revealed by their study, to continue applying the present charges there while continuing to apply the charges in accordance with the present reading of the tariff, as they are doing, in other exchanges where the service is also furnished by inter-office circuits, for example in the case of St. Lambert and Longueuil exchange areas adjacent to Montreal, where the subscribers are paying \$13.75 and \$18.75 per month, respectively, for foreign exchange mileage, exclusive of basic city toll charges in addition thereto, as compared with the substantially lower charges to Weston subscribers, ranging from \$1.50 to \$8.75 per month.

Under the proposed tariff revision, in other exchanges there will be increases and decreases in the present charges and in some of them all the charges will be reduced, but in the Weston exchange area all the foreign exchange charges will be increased.

The submissions of the town of Weston may be summarized as follows: For over 25 years, the company has been furnishing foreign exchange service to subscribers in the Weston exchange area at varying charges. It is alleged that, in many cases, the proposed charges would be prohibitive; that it would appear that the company, having decided to establish what is termed suburban zone service, is increasing the charge for foreign exchange service so as to induce subscribers to discontinue it and take zone service which would not meet their requirements. Schedules were submitted showing the amount of increase per month to 112 subscribers to Toronto foreign exchange service in the Weston exchange area as well as the percentage of increase, also the additional revenue per annum which would accrue to the company in the event these 112 subscribers retained foreign exchange service. It is alleged that a number of residents have expressed their intention of moving to Toronto in the event the increase in charge is made effective, for the reason that they cannot afford to pay it; that a factor in determining the location of a new industry adjacent to a large city is the convenience and cost of telephone communication with such city, and the proposed charge would deter the location of prospective industries in Weston; that, consequently, the business community and the municipality of Weston would suffer injurious effects. It is claimed that it is possible for the company to furnish this service by plant extension; that it should do so and the charges remain as at present. The opinion is expressed that the present charges are sufficient to limit and restrict any abnormal development of foreign exchange service. Seventeen witnesses, all but one or two of them being foreign exchange subscribers in the Weston exchange area, were called by counsel for the town of Weston. They gave particulars as to the charges they are now paying and the increased charges they would be called upon to pay under the proposed tariff. Some of them described the nature and the approximate number of calls per day or month. What they stated is already covered by the foregoing summation.

While it is not the contention of the company that the proposed charge is based on the cost of providing this foreign exchange service, the following evidence was given by witnesses for the company, showing that the cost of providing foreign exchange service is considerably greater than for furnishing local exchange service, because it is unusual in its requirements. The telephone plant is fundamentally designed to furnish local exchange service and long-distance service between exchanges. With respect to local exchange service, in the location of the central office, and the provision of the outside plant which radiates therefrom in the form of conduits, pole lines, cables, etc., to serve the subscribers, the chief considerations are economy, transmission, and provision enabling future development within an exchange area. Where the density of development permits, the telephone lines are served through cables containing from 25 pairs of wires, where the development is thin, up to 1,200 pairs in the largest sized cable. The wires in the cable vary in size or gauge, those commonly used being 24, 22, and 19 gauge. The smallest, or 24-gauge, wire has a diameter of $\frac{2}{1000}$ ths of an inch and a weight of $6\frac{1}{2}$ pounds per mile. The 19-gauge wire is relatively coarse, having a diameter of $\frac{3}{1000}$ ths of an inch and a weight of 20.6 pounds per mile. The coarse wire cable costs a great deal more for the same number of lines or wires therein, because it has a much heavier copper content, which increases the cost, and also on account of the larger wire permitting a much smaller number of lines to be placed within one sheath or one duct. The maximum size of a cable is $2\frac{5}{8}$ inches, and, in that size cable, there can be placed 455 pairs of the 19-gauge wire, 900 pairs of 22-gauge, and 1,200 pairs of 24-gauge, so that only 38 per cent as many 19-gauge wires can be placed in a cable as can be done with 24-gauge wire. There is, consequently, a much greater economy in using the smaller wires where possible, and they are employed for subscribers up to approximately two miles from the central office. For longer distances, the provision of satisfactory transmission requires the use of the coarser wires, because of the higher transmission loss on the longer line. For a distance of five miles from the central office, the 19-gauge wire is used. Long-distance service involves a different kind of construction, broadly speaking, consisting of copper wire carried on cross-arms.

The standard design of the local exchange plant is not, generally speaking, suitable for foreign exchange service, as it will not necessarily afford proper transmission when it is extended into a foreign exchange area, consequently, the normal method of providing foreign exchange service is to connect the local exchange line terminating in the normal central office with the long distance or other high-grade inter-office circuit extending to the foreign exchange office, although there are cases where, if the foreign exchange subscriber is only a short distance beyond the boundary of the foreign exchange, a wire can be extended thereto under what has already been described as extension of plant from the foreign exchange area.

Generally speaking, the wire circuits involved in furnishing foreign exchange service are considerably longer than the circuits giving local exchange service. Within the Toronto and Montreal local exchange areas, the average circuit length for local service is approximately one mile. The foreign exchange circuits from the suburban exchanges vary from an average of $4\frac{1}{2}$ miles in one exchange to 9 miles in another. In Weston, the average local exchange circuit is 3,600 feet long, and the average foreign exchange circuit 23,500 feet long, or approximately six times the length of the local circuit. For the distance of line involved in foreign exchange service, other equipment is also used to compensate for transmission loss, viz., induction coils attached to the cable about a mile apart, and special terminating equipment in the foreign central office, to enable proper operation of the signals. The company made a study of the excess cost of furnishing foreign exchange service as compared with the local exchange service in the suburban exchanges adjacent to Montreal and Toronto. The chief items

in such excess cost were the increased length of line, the increased weight of wire, the increased cable cost, the induction coils, special cross terminal cable boxes and the long relay equipment at the central office, these being additional items of plant, and, applying thereto interest, depreciation, taxes, cost of maintenance of such excess plant, but nothing for the cost of operating. The result showed a wide variation in different areas. One exchange showed an excess cost for foreign exchange lines of \$32.00 per line per year, and another an excess cost of \$291.00 per line per year. The average for 424 lines studied was \$52.71 per line per year, or \$4.40 per month. In the case of foreign exchange service from the Weston exchange area, the excess cost was \$33.00 per line per year, or \$2.75 per month. To the foregoing figures there would be some additional operating cost, but no data were given concerning this.

The company's position is that the application of the Town of Weston directs an attack against its whole foreign exchange service, for which there is proposed a uniform charge from all the suburban exchanges, consequently, it cannot be considered solely from the standpoint of Weston subscribers for Toronto foreign exchange service, but, on the other hand, requires to be dealt with in its relation to, and how it would affect, other places. It is asserted that some control over foreign exchange service is necessary, as, if not controlled, a low charge creates a high demand for it, and, where there is a high demand in a given locality, the furnishing of such foreign exchange service affects the general plan of providing telephone service and, in turn, the telephone rate structure. Foreign exchange service increases the company's cost of providing service, as is above set out. A subscriber to local exchange service at a flat rate naturally expects it to provide unlimited calling with all telephone subscribers within such exchange area, but, if foreign exchange subscribers therein do not also take local exchange service, he is deprived of communication with another telephone subscriber within the same exchange area except upon payment of a long distance toll charge, consequently, unrestricted foreign exchange service decreases the value of telephone service in the local exchange area by reducing the number of subscribers who may be communicated with without a toll charge. Further, where foreign exchange service is given, it takes the place of long distance service, and displaces long distance revenues, and a count recently made of the number of calls by foreign exchange subscribers contiguous to Toronto and Montreal local exchange areas, as of December 31st, 1937, showed that, at long distance tolls, the company would have received a revenue of over \$42,000 per month, whereas its actual gross monthly revenue from these subscribers, under the present tariff, was \$9,885.00 per month, including both the foreign exchange mileage charge and the basic exchange rate. Undoubtedly, of course, under toll charges there would not have been the same number of calls as under the foreign exchange charge which permitted unlimited calls, so that the higher revenue figure above quoted would have been lower.

With respect to the development of foreign exchange service, it is shown that, in 1926, there were 351 such subscribers in the suburban exchanges adjacent to Toronto and Montreal, and, at the end of 1937, there were 708, or an increase of approximately 100 per cent. During the same period, while foreign exchange subscribers had increased by about 100 per cent, the total subscribers in the suburban exchanges increased by 30 per cent. In the Weston exchange area, the development of foreign exchange service was greater. In 1926, there were 25 such subscribers in the Weston exchange area, and, in 1936, there were 108, and, at the end of 1937, there were 159, an increase over 1926 of 636 per cent. As at December 31st, 1937, there were 1,436 subscribers in the Weston local exchange area, and 159 of them, or 11 per cent, had foreign exchange service. 101 of the 159 foreign exchange subscribers did not have Weston local exchange service, indicating the effect which foreign exchange service has in reducing the value of local exchange service, as here was a local exchange with

1,436 subscribers, but the Weston local exchange subscriber was able to communicate with only 1,335 of them without payment of a toll charge of 10 cents per call.

Concurrently with filing of the tariff schedules covering proposed change in charge for foreign exchange service, there were also filed tariff schedules providing for, first, some extensions of Toronto and Montreal exchange or base rate boundaries in certain areas where the development is predominantly city development, and, second, for an entirely new and optional service described as suburban zone service. The company then stated that these changes were all interrelated and definitely a part of a plan designed to take care of the telephone requirements in these metropolitan districts.

Suburban zone service within an exchange area contiguous to Toronto and Montreal consists of the furnishing of local exchange service and in addition thereto a stated number of calls per month to the city without charge (45 calls for a residence subscriber and 60 for a business subscriber); calls in excess of the stated number to be charged for at 5 cents each, in place of the long distance toll charge of 10 cents; calls from the city exchange at 5 cents each; listing in the telephone directory for the subscriber's normal exchange, also in the directory for the city exchange. Monthly charge for suburban zone service is \$2.25 for residence service and \$3.75 for business service over the charge for individual line local exchange service. There has been no complaint before us concerning suburban zone service which, as already stated, is a purely optional, alternative form of telephone service for those who find it attractive.

The situation under the proposed tariffs provides three types of service between the suburban and city exchanges. A Weston local exchange subscriber for individual line business service, having only a few calls per month with Toronto, may take only local exchange service at \$3.25, and, for calls to Toronto not exceeding 37 per month, it would be to his advantage to pay the long distance toll charge, the local and long distance tolls for 37 calls amounting to \$6.95 per month. When exceeding 37 calls per month with Toronto, the suburban zone service would be the most economical for calls not exceeding 260 per month, the zone service charge for 260 calls being \$17.00. When exceeding 260 calls per month, the foreign exchange service charge would be \$17.00 per month with complete Toronto service and unlimited calling. In the case of a subscriber for individual line residence service, the local exchange service and long distance toll is cheapest up to 22 calls per month with Toronto; zone service the most economical up to 220 calls per month, and, for calls exceeding 220 per month, the foreign exchange service with unlimited calling, the monthly charges under the three types of service for the number of calls mentioned being \$3.95, \$13.25 and \$13.25, respectively.

A short time ago, the company made a count of calls made by foreign exchange subscribers adjacent to Toronto and Montreal, which showed an average of about 600 calls a month per line. Ninety-five such subscribers, making the least use of foreign exchange service, averaged 139 calls a month per line. The subscribers making the greatest use of this service, viz., those having more than 1,200 calls per month, averaged 1,680 calls a month per line. A Weston foreign exchange subscriber for individual line business service has heretofore paid the basic Toronto rate of \$7.00 per month plus varying charges for foreign exchange mileage. Under what is proposed, he will pay \$10.00 for foreign exchange mileage, or \$17.00 per month in all. Such subscribers, averaging 139 calls per month with Toronto, under suburban zone service would pay \$10.95 per month, or \$3.95 over the Toronto rate, instead of \$10.00 under foreign exchange service. If making 200 calls per month, they would pay \$14.00, or \$7.00 over the Toronto rate, instead of \$10.00 under foreign exchange service. It is apparent, therefore, that many subscribers now taking foreign exchange service will find they can escape payment of the proposed \$10.00 charge and secure a lower charge by

taking suburban zone service. It was based upon this study of the usage of foreign exchange lines that the company placed on record an estimate—and, of course, it is only an estimate—of what it expected would happen under all the proposed tariff changes, viz., extension of boundaries, suburban zone service and foreign exchange service. Of the 708 foreign exchange subscribers in the suburban exchanges as of December 31, 1937, 157 were transferred to city exchange areas, which eliminated them as foreign exchange subscribers. Sixty-two others have elected to transfer from foreign exchange to suburban zone service, leaving 489. It is estimated that, if the tariff schedules receive the Board's approval, approximately 250 will continue foreign exchange service and the others elect to transfer to zone service. It is stated that, in the first four months that suburban zone service was available, 91 subscribers in Weston took it, and 886 in all the suburban exchanges. The company's standard service provides for a long distance toll charge of 10 cents per call between these suburban and city exchanges, and a great many such calls are made at that charge. An abated or commuted charge for such calls is provided for to the subscribers for foreign exchange service. For an average of 600 such calls per month, the charge becomes 1.66 cents per call, instead of 10 cents, and, for 1,680 calls per month, it becomes 59/100ths of a cent, or, in other words, in the case last mentioned, \$168.00 of service under standard message toll rate is provided for \$10.00.

By an exception to the provisions of the general foreign exchange tariff, which was contained in the Toronto exchange tariff, there has been a 2-party line foreign exchange service furnished within the suburban exchanges contiguous to Toronto. This was an exception provided for the Toronto suburban exchanges only, and applied nowhere else upon the company's system. It is proposed to eliminate this 2-party service, and continue only individual line service. The basic principle of 2 party service is the ability to connect two subscribers to one exchange line, making the same line serve for two subscribers, whereas, under individual line service, each subscriber has a line for his exclusive use. Generally speaking, in order to effect economy in furnishing service on a 2-party line, there must be reasonable density of development of 2-party subscribers. For example, if there were only one 2-party subscriber in a block, it would be difficult to get very many such subscribers paired together on one line. The company asserts that it has found that the conditions surrounding furnishing and development of foreign exchange service are such that they are not suitable for providing this type of service; that there has been a difference in treatment heretofore as between Toronto and other exchange centres, for which they can find no justification; further that the price charged for individual line foreign exchange service is as low as they can reasonably be asked to go. One subscriber, who appeared before us in the Mimico application and gave evidence, stated that, while he had been furnished with foreign exchange service at a charge for 2-party service, to his knowledge there was no one else on the line; in other words, he was obtaining individual line foreign exchange service, but paid only the lower charge for 2-party service. There may be a considerable number of instances of this character. Such a condition bears out the company's contention that 2-party service is not suitable or economical from the standpoint of the company's operations with respect to foreign exchange service. Further, the charge which was made for it is shown to be lower than the average excess cost per line for furnishing foreign exchange service, as already herein set out.

The well established telephone practice, and which has been approved by the Board, last in 1927 when the whole rate structure of this company was thoroughly reviewed, of providing local exchange areas embracing a city, town or community at varying local exchange rates, dependent upon the size of the exchange, and a provision for long distance tolls for calls between subscribers in different local exchange areas, is a system that should not be disturbed.

It is the recognized manner of providing telephone service throughout Canada and the United States and, so far as we are aware, all other countries where there is telephone service. If an individual locates his residence or business in a given exchange area, he cannot reasonably demand, because of the nature of his telephone requirements, the complete service furnished in an entirely separate exchange area to and from his residence or business in another exchange area without payment of a reasonable, additional charge for the kind of service he desires or requires. Foreign exchange service provides for this type of service, and it is undoubtedly a commuted long distance toll charge, and must be so considered. It is a special service furnished to meet unusual conditions and the requirements of a relatively small number of telephone users. There are now between 500 and 600 foreign exchange subscribers out of a total of 550,000 subscribers. The varying methods heretofore followed in computing foreign exchange service charges were undoubtedly discriminatory, and resulted in anomalies in the charges as between subscribers where the value of the service was equal but the charges therefor widely unequal. Many of the lower charges were altogether too low, and created a demand for the service, which undoubtedly affected the fundamental services of the company as well as being in many instances below the average excess cost of providing this service; these features have already been covered by what is stated herein.

It may be thought that, with an average excess cost at some figure in excess of \$4.40 a line per month, a foreign exchange charge of \$10.00 per month is out of proportion, but, as already stated, the latter has to be looked at from the standpoint of a commuted long distance toll charge. The charges of the telephone company for the various services it performs, and in different exchange areas, are not based on the cost of furnishing each specific service nor the cost in each of the different exchange areas. It is a question of the company's total charges for its whole operation. The following citation from the Board's Judgment in the 1927 case (Vol. 16, Board's Judgments & Orders, p. 229, at p. 252), has some relevancy here:

"Nothing can be gained by discussing at length the proposal put forward in some quarters, that different localities should be charged different rates, calculated upon the basis of the expense attaching to the service within individual districts. It is not feasible, nor indeed in the opinion of the Board is it reasonable, to build rates upon such a foundation. The business is one corporate unit operating in different places, and cannot be split up into an indefinite number of sections, each treated upon a different basis. No precedent for such was cited, and the matter does not seem to require further discussion."

The company emphasized that, in the preparation of the proposed tariffs, the question of revenue did not enter into the matter, and they were not designed for the purpose of increasing their revenue, and it is a question whether they will break even or receive less revenue under what is proposed. The revision was necessary to remove anomalies and discrimination and secure uniformity of treatment in all the suburban exchanges contiguous to Toronto and Montreal. It was also very clearly stated that the proposed tariff was in some degree in the nature of a restrictive provision to discourage unnecessary foreign exchange service, and to grant a flat rate in lieu of long distance toll charges where such service is necessary. Further, the establishment of the new and optional suburban zone service in effect provides an alternative and cheaper foreign exchange service for those persons whose calls are within moderate number.

A uniform charge in all the suburban exchanges is a proper provision, and removes unjust discrimination which clearly exists. Local exchange service is given at a flat rate, regardless of location within the exchange area; long distance tolls apply from and to all subscribers within the exchange area, regardless of location therein, and the same is true with respect to suburban zone service.

There is no justification for any difference in treatment in the case of foreign exchange service.

In the company's proposed schedule, C.T.C. No. 6716, Part II, Section 22, there are the following provisions:

"Subsection "B", Par. 3:

Each foreign exchange subscriber is to contract for some class of exchange service in the normal exchange."

"Subsection "C", Par. 3:

Each foreign exchange business subscriber is to contract either for some class of exchange service in the normal exchange or for a reference listing in the directory for such exchange."

I do not consider these provisions properly related to the question of a commuted toll charge in the form of foreign exchange service, and they should be deleted from the tariff.

Section 345 of the Railway Act permits railways, within their discretion, to issue excursion or commutation passenger tickets at reduced rates. The Board has considered this section of the Act in numerous instances. In all of these cases, the position taken by the Board was that, under the provisions of Section 345, the railways are given discretion as to certain things they may do, and that the question of excursion or commutation fares is something in connection with which the Board has no initial discretion or jurisdiction; that the Board's power under this section is a remedial one only, and confined to consideration of any alleged unjust discrimination or undue preference which may result from concessions made by the companies under Section 345, and, if found to exist, the Board may direct removal of the unjust discrimination, 11 C.R.C., p. 370; 13 C.R.C. p. 178; 17 C.R.C., p. 320; 31 C.R.C., p. 315; 47 C.R.C., p. 222. By Judgment of the Board, dated Jan. 17th, 1920, it was held that Section 345 of the Railway Act was applicable to telegraph and telephone companies, and that they possessed the same rights in establishing reduced transportation of messages as the railway companies possess as to reduced transportation of passengers.

The company's standard charge for telephone communication between the city and suburban exchanges here in question is 10 cents per call, which has been approved by the Board. The foreign exchange charge is, without question, a commuted long distance toll charge, or a commutation telephone rate, and a very material concession from the regular or standard charge, and comes within the provisions of Section 345.

Commutation tickets enable people in suburban areas near the city to obtain transportation daily between such areas and the city at less than the regular passenger fares. Commuted long distance toll charges, designated as foreign exchange service, enable people in suburban areas near the city to obtain telephone communication daily between such areas and the city at less than the regular toll charges. In both cases, the concessions represent a very material reduction from the regular fares or charges.

Consequently, the issue with which we are empowered to deal is whether any unjust discrimination or undue preference results from what is proposed. It is clearly developed that unjust discrimination now exists in the matter of these foreign exchange charges, and it is not shown that there is any unjust discrimination under what is proposed, but, on the other hand, equality of treatment is provided for.

I am, therefore, of the opinion that the situation, as developed, is not one which, on the facts before us, is taken out from under the decisions of the Board to which reference has been given, and that the application of the Town of Weston must be refused.

OTTAWA, July 20th, 1938.

Commissioners STONEMAN and STONE concurred.

ORDER No. 56249

In the matter of the application of the Town of Weston, in the Province of Ontario, for an Order rescinding approval of tariff schedules of the Bell Telephone Company of Canada covering changes in regulations and charges governing foreign exchange service, and directing continuance of the existing regulations and charges for such service.

Case No. 955.164

TUESDAY, the 2nd day of August, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held in Toronto, June 1, 2, and 3, 1938, in the presence of Counsel for and representatives of the Town of Weston and the Bell Telephone Company of Canada, and what was alleged—

It is ordered:

1. That the application be, and it is hereby, refused.
2. That the following provisions in the Bell Telephone Company's schedule C.T.C. No. 6716, Part II, Section 22, first revised sheet 1, namely:—

"Subsection 'B,' Par. 3:

Each foreign exchange subscriber is to contract for some class of exchange service in the normal exchange."

"Subsection 'C,' Par. 3:

Each foreign exchange business subscriber is to contract either for some class of exchange service in the normal exchange or for a reference listing in the directory for such exchange."

be deleted from the tariff.

3. That the special methods of applying the mileage charges for Foreign Exchange Service provided for in Tariffs C.T.C. No. 6639, 3rd Revised Sheet 3 (Individual Exchange Tariff for Toronto exchange), and C.T.C. No. 6689, 3rd Revised Sheet 3 (Individual Exchange Tariff for Montreal exchange), of the Bell Telephone Company of Canada, be, and they are hereby, approved.

4. That the provisions of the following tariffs of the Bell Telephone Company of Canada providing for the continuance of the former charges for Foreign Exchange service furnished on December 31, 1937, in the exchanges to which they relate until the times specified therein, namely:—

C.T.C. 6687, 2nd Revised Sheet 3

C.T.C. 6385, Original Sheet 3

C.T.C. 6435, Original Sheet 3

C.T.C. 6464, 1st Revised Sheet 3

be, and the same are hereby, approved.

5. That the provisions of the following tariffs of the Bell Telephone Company of Canada providing for the continuance of the former charges for

Foreign Exchange service furnished on December 31, 1937, in the exchanges to which they relate until the times specified therein, namely:—

- C.T.C. 6544, Original Sheet 3
- C.T.C. 6139, 2nd Revised Sheet 3 and Original Sheet 4
- C.T.C. 6195, Original Sheet 3
- C.T.C. 6710, Original Sheet 3
- C.T.C. 6372, Original Sheet 3
- C.T.C. 6157, Original Sheet 3
- C.T.C. 6414, Original Sheet 3
- C.T.C. 6638, 2nd Revised Sheet 3,

be amended to provide for the former charges applying until September 1, 1938; and that new tariffs as so amended be filed accordingly; and that such tariffs as so amended be, and they are hereby, approved.

S. J. McLEAN,
Assistant Chief Commissioner.

Consideration of the question as to the apportionment of construction costs involved at overhead bridge crossing of the Canadian National Railways at Ancienne Lorette, as reserved by Paragraph 6 of the Board's approving Order No. 55828, dated April 25, 1938.

File No. 26782.190

Heard at Quebec, June 14, 1938.

JUDGMENT

STONE, COMMISSIONER:

On October 13, 1937, the Department of Roads for the Province of Quebec made application for authority to construct a viaduct over the Canadian National Railways, and to eliminate the level crossing at Ancienne Lorette, Quebec County, near the Champigny Flag Station on Highway No. 2. The applicant requested the Board to provide from the Railway Grade Crossing Fund, and other money available under Vote of Parliament, 70 per cent of the construction costs, estimated at \$96,469.85, also to determine an amount of not less than \$4,000 to be paid by the Canadian National Railways, as its contribution towards the work.

The Canadian National Railways agreed to the revised plans for the proposed viaduct, but objected to being assessed any cost in excess of \$1,000 towards the proposed grade separation, and contended that the work to be undertaken was solely for the purpose of the Trans-Canada Highway and the promotion of competing services with the railway.

Investigation by the Board's Engineering Department resulted in revision of the plans, which were approved and the work authorized under Order of the Board No. 55828, on April 25, 1938. Section 6 of the Board's order provided that all questions relating to costs for the construction of the proposed viaduct and the temporary crossing be reserved for subsequent decision of the Board.

The question of the apportionment of costs was further considered by the Board at a hearing in the city of Quebec on June 14, 1938. Counsel appeared for the province of Quebec and for the Canadian National Railways. The Bell Telephone Company was not represented at the hearing.

Counsel for the applicant emphasized the danger at the level crossing which was to be replaced by the viaduct, reaffirmed the intent indicated in the petition, and referred to a working arrangement between the Department of Roads and the Bell Telephone Company, under which, as in the Coteau du Lac Case, the costs for removal or relocation of poles were to be equally divided between

the parties. In the event of failure of the carrying out of this arrangement in the present case, the question of these costs was to remain in abeyance until judgment is rendered on the appeal lodged by the Bell Telephone Company with the Supreme Court of Canada.

Additional plans were filed, with further minor changes, as agreed upon by the engineers representing all parties concerned, with revised costs stipulated at \$95,114.55. These plans were approved by the Board's Order No. 56158, dated July 9, 1938.

Counsel for the Canadian National Railways contended that the capitalized cost of maintenance charges of the present level crossing at grade does not exceed \$1,000, and as the undertaking is for highway improvement, the railway should not be penalized any costs in excess of \$1,000. The removal and relocation of railway poles and wires will cost approximately \$400, and the Department of Roads should be required to reimburse the railway for any expense incurred by changes rendered necessary for construction of the viaduct.

The crossing is located approximately twelve miles from the city of Quebec on the main highway between the cities of Quebec and Montreal. Highway traffic is very substantial and is gradually increasing. Railway traffic consists of four passenger trains and three freight trains daily except Sunday.

The applicant alleges that the modern and permanent highway improvements undertaken by the Department of Roads in the province of Quebec are for the convenience and safety of the public, and that improvements on Highway No. 2 require the elimination of the present level crossing, and its replacement by a viaduct.

The Canadian National Railways agreed to the plan for the viaduct, but emphasized the need for restricted economy. They were willing to contribute the capitalized cost of maintenance of the level crossing, estimated at \$1,000.

The Board's file shows that a double fatality occurred at this crossing on September 5, 1931, and the reports indicate that some form of protection is necessary. If mechanical protection were authorized, the railway would have been required to contribute to that method of protection, and it seems to me that they should now be required to contribute an amount equal to the capitalized cost of such protection in addition to its offered contribution of \$1,000.

In my opinion the work now authorized by the Board's Order No. 55828, of date April 25, 1938, is one for the protection and convenience of the public, and is a project to which the Board will be warranted in authorizing a contribution.

The funds provided by special Vote of the Parliament of Canada are exhausted, and the Board can only contribute to this work from the Railway Grade Crossing Fund, as defined by the Railway Act.

I would grant 40 per cent of the construction costs, not to exceed the sum of \$36,845.82, dependent upon the closing of the present level crossing; the railway company to contribute an amount equivalent to the capitalized costs for maintenance and mechanical protection at the level crossing, the sum of \$3,000, the Department of Roads for the Province of Quebec to pay the balance and all costs of maintenance of the viaduct.

The question of costs involved for removal of the Bell Telephone Company's poles and wires, if not mutually settled between the parties, to be decided later by the Board.

OTTAWA, July 21, 1938.

Commissioner STONEMAN concurred.

GARCEAU, DEPUTY CHIEF COMMISSIONER:

I would direct the railway to pay the sum of four thousand dollars (\$4,000), being the capitalized cost of maintenance, mechanical protection, and of the *special benefits derived by the railway*, from the construction of a grade separation instead of a level highway crossing.

With the above reservation, I agree with the judgment.

(Traduction)

Prise en considération de la question de répartition du coût de construction du passage supérieur au-dessus de la voie des chemins de fer Nationaux du Canada à l'Ancienne Lorette, telle que réservée au paragraphe 6 de l'ordonnance de la Commission n° 55828, en date du 25 avril 1938,

Dossier n° 26782.190

Entendue à Québec le 14 juin 1938

JUGEMENT

STONE, Commissaire:

Le 13 octobre 1937, le ministère de la Voirie de la province de Québec s'adressa à la Commission pour être autorisé à construire un viaduc au-dessus de la voie des chemins de fer Nationaux du Canada et pour supprimer le passage à niveau à l'Ancienne Lorette, dans le comté de Québec, près de la station-halte de Champigny, sur la route n° 2. Le requérant demanda à la Commission de contribuer à même la caisse des passages à niveau et tout autre fonds disponible en vertu d'un crédit du Parlement, dans la proportion de 70% du coût de construction évalué à \$96,469.85, et de fixer aussi un montant de pas moins de \$4,000 à être payé par les chemins de fer Nationaux du Canada comme leur contribution au coût de cet ouvrage.

Les chemins de fer Nationaux du Canada ont accepté les plans révisés du viaduc projeté, mais se sont objectés à payer une somme de plus de \$1,000 comme leur contribution au coût du dit projet, et ont prétendu que les travaux à être exécutés avaient rapport seulement à la route Trans-Canadienne et à l'encouragement de moyens de transport en compétition avec le chemin de fer.

L'enquête de la part des ingénieurs de la Commission a eu pour résultat la revision des plans, lesquels furent approuvés, de même que le projet fut autorisé en vertu de l'ordonnance de la Commission n° 55828, en date du 25 avril 1938. Il fut stipulé au paragraphe 6 de l'ordonnance de la Commission que toutes les questions ayant rapport au coût de construction du viaduc projeté et du passage temporaire étaient réservées pour décision subséquente de la Commission.

La question de répartition du coût fut de nouveau prise en considération par la Commission lors de l'audition qui eut lieu en la cité de Québec le 14 juin 1938. La province de Québec et les chemins de fer Nationaux du Canada étaient représentés par des avocats. La compagnie de téléphone Bell du Canada n'était pas représentée à l'audition.

Le procureur du requérant appuya fortement sur les dangers qui existent au passage à niveau qui doit être remplacé par un viaduc, réaffirma les allégations de la requête et fit allusion à un arrangement conclu entre le ministère de la Voirie et la compagnie de téléphone Bell du Canada, en vertu duquel, comme dans le cas de Coteau-du-Lac, les frais d'enlèvement et de déplacement des poteaux seraient répartis également entre les parties. Advenant le défaut de mise à exécution de cet arrangement dans le cas présent, la question de ces frais doit rester en suspens d'ici à ce que jugement soit rendu dans l'appel porté par la compagnie de téléphone Bell devant la Cour Suprême du Canada.

Des plans additionnels avec d'autres changements de peu d'importance furent produits tel que convenu entre les ingénieurs représentant toutes les

parties intéressées, avec une revision du coût évalué à \$95,114.55. Ces plans furent approuvés par l'ordonnance de la Commission n° 56158, en date du 9 juillet 1938.

L'avocat des chemins de fer Nationaux du Canada a prétendu que le coût capitalisé des frais d'entretien du passage à niveau actuel n'excède pas la somme de \$1,000, et comme l'entreprise constitue une amélioration de la route, le chemin de fer ne devrait pas être appelé à payer un montant excédant \$1,000. Le déplacement des fils et des poteaux du chemin de fer va coûter environ \$400 et le ministère de la Voirie devrait être requis de rembourser au chemin de fer toutes dépenses encourues par les changements nécessités par la construction du viaduc.

Le passage est situé à environ 12 milles de la ville de Québec sur la route principale entre Québec et Montréal. Le trafic routier est considérable et augmente graduellement. Le trafic ferroviaire consiste en quatre trains de voyageurs et en trois trains de marchandises par jour, excepté le dimanche.

Le requérant allègue que les améliorations modernes et permanentes sur les routes, entreprises par le ministère de la Voirie de Québec sont faites en vue de la commodité et de la sécurité du public, et que les améliorations, en particulier sur la route n° 2, requièrent la suppression du passage à niveau actuel et la construction d'un viaduc à sa place.

Les chemins de fer Nationaux du Canada acceptent le plan pour le viaduc en question, mais insistent sur la nécessité de pratiquer l'économie. Ils sont consentants à contribuer le coût capitalisé d'entretien du passage à niveau, évalué à \$1,000.

Le dossier de la Commission nous apprend que deux personnes perdirent la vie à ce passage le 5 septembre 1931, et les rapports indiquent qu'une forme quelconque de protection est nécessaire. Si une protection sous forme d'appareil mécanique était autorisée, le chemin de fer serait requis d'y contribuer, et il me semble qu'il devrait maintenant être requis de contribuer pour un montant égal au coût capitalisé de telle protection en plus de son offre de contribution de \$1,000.

A mon avis, les travaux autorisés par l'ordonnance de la Commission n° 55828, en date du 25 avril 1938, sont exécutés en vue de la protection et de la commodité du public, et la Commission serait justifiable d'autoriser une contribution au coût des dits travaux.

Les fonds établis par un crédit spécial du Parlement du Canada sont épuisés et la Commission ne peut contribuer au coût des dits travaux qu'à même la caisse des passages à niveau, en conformité de la Loi des chemins de fer.

J'accorderais une contribution de 40% du coût de construction, ne devant pas excéder la somme de \$36,845.82, sujette à la fermeture du passage à niveau actuel; le chemin de fer devant contribuer une somme équivalente aux coûts capitalisés d'entretien et de protection, au moyen d'un dispositif mécanique, du dit passage à niveau, soit la somme de \$3,000; le ministère de la Voirie de Québec devant payer la balance du coût et tous les frais d'entretien du viaduc.

La question des frais de déplacement des poteaux et des fils de la compagnie de téléphone Bell, si elle ne peut être réglée entre les parties elles-mêmes, devra être décidée plus tard par la Commission.

OTTAWA, le 21 juillet 1938.

Le Commissaire STONEMAN s'est rallié au jugement ci-dessus.

GARCEAU, *Commissaire en chef suppléant*.—J'ordonnerais au chemin de fer de payer la somme de quatre mille dollars (\$4,000), étant le montant capitalisé du coût d'entretien, de protection sous forme mécanique et des avantages spéciaux obtenus par le chemin de fer, au moyen de la construction d'un viaduc pour remplacer un passage à niveau.

Avec la réserve ci-dessus, je me rallie au jugement.

ORDER No. 56227

In the matter of the Order of the Board No. 55828, dated April 25, 1938, authorizing the Department of Roads for the Province of Quebec to construct an overhead crossing of the Canadian National Railways on Provincial Highway No. 2, at Ancienne Lorette, in the Province of Quebec; and reserving the question of the cost of (a) removing the Bell Telephone Company's poles at the point of crossing, and (b) constructing the overhead crossing and the temporary crossing, for subsequent decision by the Board.

File No. 26782.190

WEDNESDAY, the 27th day of July, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon hearing the question of the apportionment of the cost so reserved at the sittings of the Board held at Quebec, June 14, 1938, in the presence of counsel for the Department of Roads for the Province of Quebec and the Canadian National Railways, the evidence offered, and what was alleged; and upon its appearing that the estimated cost of the work is \$95,114.55, and that the present level crossing is to be closed,—

It is ordered:

1. That the Canadian National Railways contribute the sum of \$3,000 toward the cost of constructing the said overhead bridge at Ancienne Lorette, in the province of Quebec, the said amount being equivalent to the capitalized cost for maintenance and mechanical protection at the level crossing eliminated.

2. That forty per cent of the remainder of such cost, not exceeding, however, the sum of \$36,845.82, be paid out of the Railway Grade Crossing Fund from the amount appropriated to such fund under Department of Transport Vote No. 422 (1938-39); and that the Department of Roads for the Province of Quebec pay the remainder of the cost of construction, as well as the cost of maintaining the said viaduct; the Department of Roads for the Province of Quebec to reimburse the Canadian National Railways the expense incurred by them in the removal and relocation of their poles and wires, rendered necessary by the construction of the viaduct.

3. That the question of the cost involved for the removal of the Bell Telephone Company's poles and wires, if not mutually settled between the parties, be decided later by the Board.

S. J. McLEAN,
Assistant Chief Commissioner.

Consideration of the question of the additional protection to be provided at the crossing of Drouillard Road, Windsor, Ont., by the Essex Terminal Railway Co., and the apportionment of the cost thereof.

File No. 32630

JUDGMENT

STONEMAN, COMMISSIONER:

This matter, which was heard at sittings of the Board held at Windsor, Ont., July 12, 1938, in the presence of Counsel for the Essex Terminal Ry. Co. and the City of Windsor, the Ford Motor Company of Canada being represented by its Engineer, arises out of the application of the Essex Terminal Ry. Co. for approval of the signal system and protective devices at the crossing by its

railway of Drouillard Road, in the City of Windsor, involving the installation of an additional wig-wag signal at the southeast corner of the said crossing.

The City approves the installation of the proposed additional wig-wag signal, but objects to bearing any part of the cost of the work, on the ground that the added protection was made necessary by reason of increased rail movements over the crossing to transport material in the larger volume following an addition to its factory recently constructed by the Ford Motor Co. This increased traffic, the City alleges, benefited the railway company only; that it was detrimental rather than beneficial to the citizens of the municipality by interfering with their passage over the crossing; and claimed, therefore, the whole cost should be borne by the railway, or divided between the railway and the Ford Motor Co. The sole question for the Board is the apportionment of this cost.

The third track of the Essex Terminal Ry. Co. across Drouillard Road was authorized by Order of the Board No. 41458, dated September 24, 1928. This Order provided for the installation of a bell and wig-wag automatically controlled from the main line so as to protect main line movements. The movements on the sidings over the road were by the Order to be protected by trainmen. The cost of construction, after allowing forty per cent from "The Railway Grade Crossing Fund," was to be borne and paid thirty per cent by the railway company and thirty per cent by the municipality (the Town of Ford City as it was then, now part of the City of Windsor), the maintenance cost to be divided equally between the railway and the town. This distribution of cost was made with and upon the consent of the town. The additional wig-wag asked for in the present application is to be installed at the southeast corner of the said crossing, to be so constructed that both wig-wag and bell work automatically from the main line and the south siding; the movements over the crossing on the north siding to be flagged by a member of the train crew.

The enlarged facilities to the Ford plant referred to meant not only increased rail movements over the crossing, but resulted as well, through the added number of employees, in increased highway traffic at the crossing. Both these factors contributed to the necessity of the additional protection applied for.

A principle which the Board has recognized in apportioning costs in cases of the kind is that the companies or municipalities contributing to the common danger which is to be removed or protected should contribute in proportion. Applying that principle to the circumstances of this case, as the increased traffic on the highway as well as increased rail movements both contribute to the danger at the crossing, necessitating the added protection, they should therefore both contribute towards the cost.

The proportion of cost which the Board allocated under the original Order in 1928 was accepted by both parties as fair, and in my view is the proportion which should be assessed in the present case. It may be mentioned that the increased number of employees for the Ford Motor plant admittedly benefits the city through larger tax returns. The cost of the work is estimated at \$1,324.76.

Under the circumstances I would approve the installation of an additional wig-wag signal at the southeast corner of the said crossing: Forty per cent of the cost of the work to be paid out of the Railway Grade Crossing Fund; fifty per cent of the remainder of such cost to be borne and paid by the Essex Terminal Ry. Co.; and fifty per cent by the Corporation of the City of Windsor. That the cost of maintenance be divided equally between the railway company and the city.

JULY, 27, 1938.

The Deputy Chief Commissioner and Commissioner STONE concurred.

ORDER No. 56238

In the matter of the application of the Essex Terminal Railway Company, herinafter called the "Applicant Company," for approval of the installation of an additional wigwag signal at the crossing of Drouillard Road, in the City of Windsor, Province of Ontario.

File No. 32630

SATURDAY, the 30th day of July, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Windsor, July 12, 1938, in the presence of Counsel for the Applicant Company and the City of Windsor, and a representative of the Ford Motor Company of Canada, and what was alleged—

It is ordered:

1. That the Applicant Company be, and it is hereby, authorized to install an additional wigwag signal and bell at the southeast corner of the said crossing of Drouillard Road, in the City of Windsor, Province of Ontario, as shown on plan dated Windsor, February 4, 1938, on file with the Board under file No. 32630, and in accordance with and subject to the Standard Specifications for Highway Crossing Signals, approved under General Order No. 468, dated 12th March, 1929, as amended by General Orders Nos. 521 and 533, dated respectively 2nd November, 1933, and 26th March, 1936.

2. That forty per cent of the cost of installing the said additional wigwag and bell, not exceeding, however, the sum of \$529.90, be paid out of the Railway Grade Crossing Fund from the amount appropriated to such fund under Department of Transport Vote No. 422, Main Estimates 1938-39; that fifty per cent of the remainder of such cost be borne and paid by the Applicant Company and fifty per cent by the City of Windsor.

3. That the cost of maintaining the said additional wigwag and bell be divided equally between the Applicant Company and the City of Windsor.

S. J. McLEAN,
Assistant Chief Commissioner.

Application of the Pere Marquette Railway Company for an Order authorizing the closing, as an agency, of its station at Tupperville, Ontario. File 23063.

Heard at Chatham, Ont., July 14, 1938.

JUDGMENT

STONE: *Commissioner:*

On May 10, 1935, the Pere Marquette Railway Company filed application with the Board for authority to close, as an agency, its station at Tupperville, Ontario; the spur tracks at this point to be maintained to take care of carload traffic, which could be billed through open agencies at Dresden 4.89 miles and/or Wallaceburg 5.82 miles from Tupperville, without serious inconvenience to shippers. The Railway Company submitted that this action was necessary to

reduce expenses, the trucks having taken most of the L.C.L. business away from the railway.

Attached to the application were statements showing the average yearly revenue accruing to the Pere Marquette Railway Company for the years 1935-1936 and 1937 to be \$6,952.15 for carload freight and \$35.72 for L.C.L. freight.

The Council of the Township of Chatham opposed the closing of Tupperville station and filed a statement wherein it was alleged that the revenue traffic at this station amounted to \$21,438.17 in 1935; \$18,493.82 in 1936 and \$20,917.50 in 1937.

The case was heard at Chatham, Ont., on July 14, 1938; Mr. R. S. Black, Superintendent, appeared for the Pere Marquette Railway Company, and Mr. A. D. Bell, Counsel for the Township of Chatham.

The applicant reiterated the statements made in the application, and explained that the figures submitted were net earnings to the Pere Marquette Railway Company and were not the gross revenue from freight shipments accredited to Tupperville Station, these net earnings being approximately one-third of the total. The applicant did not admit that the figures submitted by the Township of Chatham were correct, but did admit that the proportion of the total earnings from the said station is about one-third (or 33 per cent) to the Pere Marquette Railway Company and the balance to other railways.

Counsel for the Township of Chatham contended that the figures submitted by the Pere Marquette Railway Company did not constitute the total earnings from freight shipped at Tupperville and considered the figures submitted by the Township as correct. He referred to these figures to show that there was an increase in the total earnings in the year 1937 over 1936; that there were 1,500 persons served through this agency, which is of increasing importance to the community it serves; that the Township of Chatham paid a very substantial subsidy towards the building of the railway, and that out of five stations on this line of railway in the Township of Chatham, Tupperville is the only open agency. It was further contended that live stock shipments warrant the continuation of an agency at the said station. In 1935 sixty-eight carloads of hogs were shipped out of Tupperville, eighty-five carloads in 1936 and eighty-nine in 1937; it is felt that it would be a very serious inconvenience to shippers to be obliged to bill through other stations the business originating at Tupperville. Further, if shippers were put to this inconvenience, trucks would probably be used to transport the live stock to Toronto, thus creating an additional loss of revenue to the Railway Company.

Tupperville is centralized in a farming district; there is a Farmers' Co-operative Club in the community, and it is alleged that the farmers obtain considerable benefit by shipments made in and out through the said station.

The evidence before the Board clearly indicates that the applicant did not conform with the requirements of General Order No. 119, in filing its submissions of yearly earnings with the Board, as the Order in question is specific and clear that gross earnings and not net earnings of the applicant must be shown. Failure to show the gross earnings is, in my opinion, ample justification for refusal of the application. In addition to this, the evidence indicates that public necessity and convenience require an open agency at Tupperville.

In consideration of all that is before the Board in this case, I would refuse the application.

Ottawa, July 28, 1938.

The Deputy Chief Commissioner and Commissioner STONEMAN concurred.

ORDER No. 56237

In the matter of the application of the Pere Marquette Railway Company, hereafter called the "Applicant Company," under the provisions of General Order No. 119, for leave to remove the station agent at Tupperville, Ontario.

File No. 23063

FRIDAY, the 29th day of June, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Chatham, July 14, 1938, in the presence of Counsel for the Township of Chatham and a representative of the Applicant Company, and what was alleged—

It is ordered:

That the application be, and it is hereby, refused.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56216

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 26th day of July, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 71 to C.R.C. No. E-1244.

Supplement 54 to C.R.C. No. E-1829.

Supplement 55 to C.R.C. No. E-1829.

Supplement 45 to C.R.C. No. E-1906.

Supplement 51 to C.R.C. No. E-1911.

Supplement 10 to C.R.C. No. E-1976.

Supplement 21 to C.R.C. No. E-2526.

Supplement 6 to C.R.C. No. E-2762.

Supplement 7 to C.R.C. No. E-2762.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56248

In the matter of the complaint of Colpitts Bros., of Calgary, Alberta, regarding rates on red top products used as animal feed, from Calgary to Eastern Canadian points.

File No. 32633

WEDNESDAY, the 3rd day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon reading the submissions filed by the Complainants and on behalf of the railway companies; and upon the recommendation of the Chief Traffic Officer of the Board—

It is ordered:

1. That the Canadian Pacific Railway Company and the Canadian National Railways be, and they are hereby, directed to establish, on red top products used as animal feed, in carloads, minimum weight 40,000 pounds, from Calgary to points taking Groups A and B rates in Canadian Freight Association Tariff C.T.C. No. 107, a rate of 128 cents per 100 pounds.

2. That, to stations in Eastern Canada on the Canadian National and the Canadian Pacific Railways, east and south of Montreal, there be added the difference between the 5th class rate to Montreal, shown in Canadian Freight Association Tariff C.T.C. No. 107, and as shown to the desired station east or south thereof.

3. That rates as herein directed be published and made effective August 15, 1938.

S. J. McLEAN,

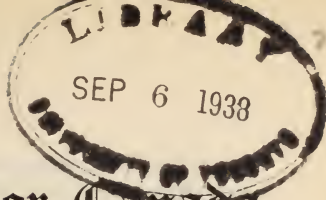
Assistant Chief Commissioner.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 56138. July 4—Declaring the C.P.R. crossing at junction of Spokane St. and Kootenay Ave., Rossland, B.C., protected to Board's satisfaction.
- 56139. July 4—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56140. July 4—Authorizing the Dept. of Public Works for B.C. to construct a highway crossing of the C.N.R. at mileage 69·5 Fraser Subdv.
- 56141. July 5—Declaring the C.P.R. crossing of Huron St., Sault Ste. Marie, Ont., protected to Board's satisfaction.
- 56142. July 5—Declaring the C.P.R. crossing at mileage 79·84 Windsor Subdv. protected to Board's satisfaction.
- 56143. July 5—Approving proposed location of additional fuel oil storage tank, etc., of the Imperial Oil Ltd. at Geraldton, Ont., (C.N.R.).
- 56144. July 5—Authorizing the Dept. of Highways and Transportation for Saskatchewan to construct a private crossing over the C.P.R. near Mortlach, Sask.
- 56145. July 7—Recommending to the Governor in Council for sanction an agreement leasing to the C.P.R. the railway of the Winnipeg River Railway Co., extending from Lac du Bonnet to Great Falls, Man.
- 56146. July 7—Approving proposed location of additional storage tank, etc., of North Star Oil, Ltd., at Estevan, Sask. (C.N.R.).
- 56147. July 7—Approving traffic agreements between the Bell Telephone Co. and the Commissioners for the Telephone System of the Municipality of the Township of Harvey, the Commissioners for the Telephone System of the Municipality of the Township of South Monaghan, the Burnt River Telephone Co., Ltd., and the Commissioners for the Telephone System of the Municipality of the Township of Ennismore.
- 56148. July 7—Approving revised Appendix "A" for attachment to traffic agreement between the Bell Telephone Co. and the Brown Corp. Inc.
- 56149. July 7—Authorizing the C.N.R. to discontinue Gobles Station, Ont., as a stopping place for train No. 83.
- 56150. July 7—Authorizing the continuing of railway operation at the crossing of the C.N.R. by the Quebec Central Railway at Carrier, Que.
- 56151. July 7—Authorizing the closing of public road crossing, C.P.R. south of Mississippi Station, Ont.
- 56152. July 7—Authorizing the C.P.R. to construct branch line to serve Bienfait Mines Ltd., mileage 149·5 Estevan Subdv.
- 56153. July 8—Authorizing the Dept. of Highways for Ontario to construct a road diversion through Lots 11 and 12, Con. 3, Township of Gibbons, District of Nipissing, Ont., and from Lot 6, Con. 3, to Lot 8, Con. 4, Township of Field, Ont. (C.N.R.).
- 56154. July 7—Authorizing the closing of public road crossing, C.P.R. south of Mississippi Station, Ont.
- 56155. July 7—Authorizing the C.P.R. to construct branch line to serve Bienfait Mines Ltd., mileage 149·5 Estevan Subdv.
- 56156. July 8—Authorizing the Dept. of Highways for Ontario to construct a road diversion through Lots 11 and 12, Con. 3, Township of Gibbons, District of Nipissing, Ont., and from Lot 6, Con. 3, to Lot 8, Con. 4, Township of Field, Ont. (C.N.R.).
- 56157. July 7—Authorizing the closing of public road crossing, C.P.R. south of Mississippi Station, Ont.
- 56158. July 9—Approving plans of proposed overhead crossing of the C.N.R. on Provincial Highway No. 2 at Ancienne Lorette, Que.
- 56159. July 5—Approving plan showing proposed location and layout of new station to be erected at La Tuque, Que.
- 56160. July 8—Amending Order No. 51399 dated Sept. 24, 1934, *re* interlocking plant at crossing of C.N.R. by the C.P.R. at Bucke, Ont.
- 56161. July 8—Approving clearance of Becher & Company's tipple at Moose Nose Pit, Man. (C.P.R.).
- 56162. July 9—Approving traffic agreements between Bell Telephone Co. and Telephone System of Township of Douro and Home Telephone Co., Ltd.
- 56163. July 12—Authorizing the C.P.R. to construct a branch line of railway to serve Western Gem and Jewel Collieries Ltd., near Rosedale, Alta.
- 56164. July 12—Authorizing the Toronto Harbour Commissioners to construct siding near Cherry St., Toronto, to serve their lands now occupied by Canada Coal Ltd.
- 56165. July 12—Declaring the C.P.R. crossing at mileage 75·5 Portal Subdv. protected to Board's satisfaction.
- 56166. July 13—Declaring the C.P.R. crossing at mileage 75·5 Portal Subdv. protected to Board's satisfaction.
- 56167. July 13—Authorizing the C.N.R. to discontinue Carrying Place, Ont., as a flag stop for trains 352 and 353, etc.
- 56168. July 13—Approving proposed location of tank, pipe lines, etc., of North Star Oil Ltd., at Langenburg, Sask.
- 56169. July 13—Declaring the C.P.R. crossing of Main St., Dundalk, Ont., protected to Board's satisfaction.
- 56170. July 12—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56171. July 12—Requiring that standing cars of the Quebec Central Railway Co. shall be kept back at least 50 feet from the nearest edge of crossing east of St. Joseph Station, Que.
- 56172. July 12—Amending Order No. 56145 dated July 7, 1938, by substituting for the expression, "Board of Railway Commissioners for Canada," wherever it occurs in Order, the expression "Board of Transport Commissioners for Canada."

- 56173. July 14—Authorizing the Wabash Railway Co. to arrange for publication, on one day's notice, of a rate of 260 cents per net ton on lime nitrogen from Niagara Falls, Ont., to Warners, N.J.
- 56174. July 14—Authorizing the C.N.R. on one day's notice to file a supplement to their Tariff C.R.C. No. E-735 to correct an error.
- 56175. July 13—Approving under Maritime Freight Rates Act, tolls published in supplements to tariffs filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56176. July 13—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Temiscouata Railway Co. under Sec. 9.
- 56177. July 13—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under Sec. 9.
- 56178. July 13—Approving proposed location of six tanks, etc., of Imperial Oil Limited at The Pas, Man. (C.N.R.).
- 56179. July 13—Approving proposed location of tank and two-inch pipe line of Imperial Oil Ltd. at Kelvington, Sask. (C.N.R.)
- 56180. July 13—Limiting speed of trains over C.P.R. crossing of Marie de l'Incarnation St., to a rate not exceeding fifteen miles an hour, etc.
- 56181. July 13—Declaring the C.P.R. crossing at mileage 112·20 Cascade Subdv., protected to Board's satisfaction.
- 56182. July 14—Amending Order No. 54860 dated Sept. 20, 1937, to provide for cost of construction and maintenance.
- 56183. July 15—Extending time within which bell and wigwag may be installed at C.P.R. crossing at mileage 84·9 Parry Sound Subdv.
- 56184. July 15—Declaring the C.N.R. crossing at mileage 18·93 Grimsby Subdv. protected to Board's satisfaction.
- 56185. July 15—Adjourning the matter of the application of Town of Dorval, Que., for leave to widen the crossing of the C.N.R. at Cote de Liesse Road.
- 56186. July 16—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Fredericton & Grand Lake Coal & Railway Co. under Section 9.
- 56187. July 16—Approving revised Appendix "A" to Traffic Agreement between Bell Telephone Co. and La Compagnie de Telephone de St. Ours.
- 56188. July 15—Requiring the C.N.R. to relocate existing bell and wigwag in the north-west angle of crossing of Main St., east of Lancaster Station, Ont.
- 56189. July 16—Declaring the C.N.R. crossing at mileage 86·0 Jonquiere Subdv. protected to Board's satisfaction.
- 56190. July 15—Declaring the C.N.R. crossing of McKeand St., Ingersoll, Ont., protected to Board's satisfaction.
- 56191. July 20—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the Sydney & Louisburg Railway Co., C.N.R., and Temiscouata Railway Co. under Secs. 9, 3, and 9, respectively.
- 56192. July 20—Approving agreement between the Bell Telephone Co. and the Commissioners for the Telephone System of the Municipality of the Township of McKellar.
- 56193. July 20—Approving service station contract between the Bell Telephone Co. and Edouard Villeneuve.
- 56194. July 20—Approving rules governing fumigation of passenger carrying equipment to be issued by the Railway Association.
- 56195. July 22—Approving location of proposed layout of the marine terminal and connecting pipe lines of Shell Oil Co. Ltd., at Three Rivers, Que.
- 56196. July 20—Authorizing the C.P.R. to construct two additional branch lines and four spurs therefrom to serve the Pacific Coast Terminals Ltd., New Westminster, B.C.
- 56197. July 22—Extending time within which branch line should be constructed as required by Order No. 55569 dated Feb. 10, 1938.
- 56198. July 21—Authorizing the C.N.R. to close as an agency their station at Lavinia, Man.
- 56199. July 22—Approving service station contract between the Bell Telephone Co. and the Donnacona Paper Co., Ltd.
- 56200. July 23—Authorizing the C.N.R. to construct proposed siding across Second Ave., Estevan, Sask.
- 56201. July 25—Approving location of oil storage plant of Independent Petroleum Corp., on the C.P.R. at Outremont Yard, Montreal.
- 56202. July 23—Authorizing the C.N.R. to reconstruct railway bridge over highway crossing at mileage 113·4 Viking Subdv., Alberta.
- 56203. July 23—Authorizing the C.N.R. to reconstruct railway bridge over highway crossing at mileage 21·5 Craik Subdv., Sask.
- 56204. July 23—Authorizing the C.N.R. to reconstruct railway bridge over highway crossing at mileage 15·7 Viking Subdv., Alberta.
- 56205. July 23—Authorizing the C.N.R. to reconstruct railway bridge over highway crossing at mileage 15·7 Viking Subdv., Alberta.

56208. July 23—Extending for a period of two years the time within which crossings may be constructed by the C.N.R. as provided for in Order No. 49863 dated May 12, 1933.
56209. July 23—Relieving the C.P.R. from maintaining cattle guards at highway crossing at mileage 128·8 Ste. Agathe Subdv., Que.
56210. July 25—Authorizing the C.N.R. to operate all trains over draw span of bridge crossing Saint John River at Fredericton, N.B., subject to certain conditions.
56211. July 26—Relieving the C.P.R. from maintaining cattle guards at certain highway crossings on its Windsor Subdv.
56212. July 25—Slightly amending Orders Nos. 52582, 52586, and 52587, dated Dec. 21, 1935, to provide for more than one bell and wigwag.
- 56213.
- 56214.
56215. July 28—Authorizing the City of Ottawa to construct temporary highway crossing of C.N.R. north of Mann Ave., Ottawa.
56216. July 26—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
56217. July 26—Authorizing the C.P.R. until traffic is resumed, to remove station agent at Hope, B.C.
56218. July 26—Authorizing the town of Temiskaming, Que., to construct a public level highway crossing over sidings of C.P.R.
56219. July 26—Authorizing removal of spur tracks of C.N.R. on Charles St., from Ontario St. to a point midway between Gaukel and Water Sts., Kitchener, Ont.
56220. July 26—Authorizing the C.P.R. to construct a branch line of railway to serve West Kootenay Power & Light Co., Ltd., at mileage 10 Boundary Subdv., B.C.
56221. July 26—Authorizing the C.P.R. to close interlocking plant at crossing of Kettle Valley and the C.N.R. at Hope, B.C., until Coquihalla Subdv. is reopened.
56222. July 27—Approving proposed location of three storage tanks, etc., of the Patron Oil Co., Ltd., on property of the C.N.R. at Hedgeville, Sask.
56223. July 27—Approving proposed location of gasoline tanks of North Star Oil Ltd., adjoining the C.P.R. tracks at Meadow Lake, Sask.
56224. July 27—Approving proposed location of unloading standard, etc., of the Visco Petroleum Products, Ltd., at North Bay, Ont. (C.N.R.).
56225. July 27—Authorizing the C.P.R. to convert existing farm crossing at mileage 78·5, Sherbrooke Subdv., into a public highway crossing, etc.
56226. July 28—Authorizing the C.P.R. to operate under bridge on the Trans-Canada Highway in Parish of Ancienne Lorette, Que.
56227. July 27—Apportioning cost of constructing overhead bridge at Ancienne Lorette, Que. (C.N.R.).
56228. July 30—Approving by-law of city of Kitchener, Ont., prohibiting the sounding of engine whistles, etc., within limits of the city.
56229. July 28—Declaring the C.P.R. crossing at mileage 91·34 Galt Subdv. protected to Board's satisfaction.
56230. July 29—Approving proposed location of combination station, freight shed, and dwelling to be erected by the C.N.R. at mileage 20·9 Val D'Or Subdv., Senneterre-Rouyn Branch.
56231. July 28—Declaring the C.N.R. crossing at mileage 1·33 Thorndale Subdv. protected to Board's satisfaction.
56232. July 28—Extending the time within which work may be completed as required by Order No. 56060 dated June 18, 1938.
56233. July 28—Declaring the C.P.R. crossing of 8th Street, Calgary, Alta., protected to Board's satisfaction.
56234. July 28—Requiring the C.N.R. to cut seven feet off the hedge obstructing the view at the crossing of the highway west of Port Elgin Station, N.B.
56235. July 30—Approving location and layout of C.N.R. proposed station to be constructed at Saskatoon, Sask.
56236. July 30—Declaring the C.N.R. crossing at mileage 31·45 Rouses Point Subdv. protected to Board's satisfaction.
56237. July 29—Refusing application of Pere Marquette Railway Co. for leave to remove station agent at Tupperville, Ont.
56238. July 30—Authorizing the Essex Terminal Railway Co. to install additional wigwag signal and bell at crossing of Drouillard Road, Windsor, Ont.
56239. Aug. 2—Approving by-law of the City of Galt prohibiting the sounding of railway whistles, etc., in the city.
56240. July 30—Approving proposed location of storage tank, etc., of Lincoln Service Stations at Lucan, Ont. (C.N.R.).
56241. July 30—Amending Order No. 55207 dated Nov. 19, 1937, to provide for two bells and four wigwags.
56242. July 30—Amending Orders Nos. 51399, 51619, and 51707 *re* interlocking plant at crossing of C.N.R. by the C.P.R. at Bucke, Ont.



The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 12

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Application of the Department of Roads, Quebec, for approval of the construction of an overhead bridge on Highway No. 15 over the tracks of the Quebec Railway Light, Heat and Power Company, in the Village of Giffard, Que., and for the allocation of the cost thereof.

File 36600.15.

JUDGMENT

STONEMAN, Commissioner.

This is an application by the Department of Highways for the Province of Quebec (1) for authority to build an overhead bridge on Route No. 15 in the Village of Giffard, Que.; (2) for a grant from the Railway Grade Crossing Fund or from public monies specially appropriated for works for the protection and safety of the public at highway rail level crossings; and (3) for a contribution from the railway company towards the cost of the construction of the work.

The matter was heard at Quebec, June 14, 1938, in the presence of Counsel for the Department of Highways for the Province of Quebec and for the Quebec Railway Light & Power Company.

According to the evidence offered at the hearing, the diverted highway contemplated will principally serve the through traffic from Quebec to the bridge proposed to be constructed. The old road and the existing rail level crossing will continue to be used for the local traffic, or part of it.

On a submission by the Board for its opinion, the Supreme Court of Canada held that the grade-crossing section did not permit contributions from that fund in the case of highway diversions whereby rail level crossings not eliminated are relieved from a substantial volume of highway traffic. (40 C.R.C. 110).

In an application for a grant from the Parliamentary Vote in connection with the diversion of a highway and the construction of a bridge where the existing railway crossing was not to be eliminated, the Chief Commissioner decided that, under those circumstances, no grant could be made from the Vote. (47 C.R.C. 193). Under the Railway Act, the opinion of the Chief Commissioner upon a question of law prevails.

Power to direct an order against the railway company as a party "interested or affected" by the work sought to be authorized is expressly given the Board by the Act (sections 39 and 259). This jurisdiction has been affirmed by the courts in a number of cases. The sole question, therefore, is whether, in the present case, this power should be exercised by calling upon the railway company to contribute towards the cost of the work.

The facts and circumstances of this case are identical with those in Department of Highways for Quebec v. C.P.R. Co., 47 C.R.C. 193. In that case, as here, the Department of Highways for the Province of Quebec applied for a contribution from the Railway Grade Crossing Fund, or from the Parliamentary

Vote, and also from the Railway Company, in connection with the diversion of a provincial road and the construction of a bridge over the railway a short distance from the existing level crossing. The proposed diversion also, as here, did not eliminate the existing crossing. The ground upon which the applicant based its claim for contributions were the same as those advanced in the present application, namely, that when the bridge was completed and the highway was diverted, ninety per cent of the traffic would cross over the bridge and the existing crossing relieved to that extent. Contribution from the Railway Grade Crossing Fund and the Parliamentary Vote was refused for want of jurisdiction to make the grant.

On the question of assessing part of the cost against the railway company, the Chief Commissioner, in his reasons for judgment, said,—“I do not see upon what principle the C.P.R. can be asked to contribute to this work. The railway will still have to maintain the crossing at Lorette Station for the accommodation of the public using the railway at that station.” (P. 195.) That is this situation—the railway company will still have to maintain the existing crossing.

In *Walkerville v. Pere Marquette Ry. Co.*, 40 C.R.C. 88, which the Deputy Chief Commissioner has drawn to my attention, “as there were some advantages to them arising from the subway”, the railways offered to contribute towards the cost of the work. This fact, clearly, I think, distinguishes the case from the circumstances of this case.

For the above reasons the application for contributions from either the Railway Grade Crossing Fund or a Parliamentary Vote, or by the railway company, towards the cost of the work, must in my opinion, be denied. If, however, without financial assistance from the sources referred to, the applicant decides to proceed with the construction of the overhead bridge in question, I would grant the necessary authority to do so.

OTTAWA, July 29, 1938.

Commissioner STONE concurred.

Application of the Department of Roads, Que., for approval of the construction of an overhead bridge on Highway No. 15, over the tracks of the Quebec Railway, Light & Power Co., in the Village of Giffard, Que., and for the allocation of the cost thereof.

File No. 36600.15

GARCEAU, Deputy Chief Commissioner,—(Dissenting)

This is an application under Section 256 of the Railway Act.

The Department of Highways of the Province of Quebec asks to be authorized to build an overhead bridge over the double tracks of the railway at Giffard, Que.; also, a contribution from any moneys placed at the Board's disposal for such purposes, and that the railway company be assessed part of the cost of construction of the said overhead bridge.

I am in agreement with the majority judgment as to the first two parts of the application, i.e., that the Applicant should be authorized to build the proposed overhead bridge and that the Board has no jurisdiction to grant a contribution from the Railway Grade Crossing Fund; however, in my opinion, the Board lacks jurisdiction not owing to the construction of a highway diversion where no level crossing is eliminated, for there is no highway diversion in this case—a new highway is planned, the present highway to remain in existence—but, rather, because of the dispositions of Section 262-(1) and 262-(5), which read as follows:—

“ . . . provided, however, the Board shall not apply any moneys out of the Grade Crossing Fund towards the costs of the actual construction work, for the protection, safety and convenience of the public in respect of any existing crossing at rail level, constructed after the first day of

April, 1909, unless and except an agreement, approved of by the Board, has been entered into between the company and a municipal or other corporation or person, by which agreement the municipal or other corporation or person has agreed with the company to bear a portion of the cost of the actual construction work, for the protection, safety and convenience of the public in respect of such crossing (railway crossing of a highway or highway crossing of a railway at rail) constructed after the first day of April, 1909."

(5) The grants . . . shall be expended for the purposes mentioned in the said Act, subject to the terms and conditions in this section contained."

I cannot agree, however, that the Board has not the authority to ask the Governor in Council to grant a contribution from the funds available under Vote 630 of the Appropriation Act of 1938, which reads: "Amount to be applied towards the actual cost of construction work for the protection, safety and convenience of the public in respect of highway crossings of railways as the Governor in Council may from time to time determine, \$1,000,000."

That there is no such restriction as in Section 262 of the Railway Act to this fund is evidenced by the wording of Vote 422 of the said Act, which reads "Railway Grade Crossing Fund—Amount, in addition to that provided by Section 262-(6) of the Railway Act—to be placed to the credit of the Railway Grade Crossing Fund and to be applied by the Board of Railway Commissioners for Canada, pursuant and within the limitations enacted by Chapter 43 of the Statutes of Canada, 1928, and amended by Chapter 54, Statutes of Canada, 1929—\$300,000."

It is evident, in regard to these two texts that the jurisdiction of the Board to recommend to the Governor in Council a contribution from the moneys appropriated by Vote 630, to pay for the cost of construction work, for the protection, safety and convenience of the public, is unfettered.

That the contemplated overhead bridge is an actual work for the protection, safety and convenience of the public cannot be denied.

Concerning the apportionment of cost against the railways, the Board has to decide if it should adhere rigidly to the application of the seniority rule or apportion the cost according to the benefits and advantages accruing to any of the interested parties in proportion to the benefits and advantages derived from the construction by any of the interested parties, the railways and the Department of Roads.

To solve the question, the conditions at the crossing to be protected must be considered; whether the projected grade separation is a real material advantage to the railway over a level crossing at this particular point; in other words, is it indifferent to the railway whether a level crossing or an overhead bridge is built?

The conditions to be created at the existing crossing, on the other highway, about 1,000 feet distant, by the construction of a grade separation, ought not to be considered; the old crossing would still exist as a potential danger and the railway would have to maintain it as heretofore.

I agree with the majority judgment on this point, but what about the railway's situation if a level crossing were built instead of an overhead bridge?

The application, being under Section 256, or, as the report of Division Engineer Belanger of May 18, 1938, says: "The Department of Roads proposed to construct a new highway of Route No. 15 which will be a direct and high speed highway leading to the bridge to the Island of Orleans. This new highway will cross the line of the company . . ." and this is what has to be studied and not the reaction of the grade separation at another crossing which, for the decision of this case, must be considered as in-existent, as did the Board in *Walkerville v. Pere Marquette R. Co. & al.*, 40 C.R.C., p. 88, with which case I shall deal later.

The evidence establishes that there are double tracks over which run twenty-four regular passenger trains, during the day time, exclusive of freight trains and an indefinite number of excursion trains bound daily, any hour, for the Shrine at Ste. Anne de Beaupré; all those trains passing at that particular point where the grade separation is to be built instead of a crossing at grade level and any switching or shunting movements will no doubt use the tracks under the bridge, as the station is only 1,000 feet distant.

The traffic over the new highway and the overhead bridge will be very dense. These traffic conditions on both the highway and the railway show the necessity of constructing the overhead bridge, for the protection, safety and convenience of the public.

It is a truism to say that a grade separation is always an advantage to the railway and a complete protection to the public against the danger *created by the railway*.

On both accounts, the railway derives benefit commensurate to the volume of traffic over its tracks and on the highway, of which it is relieved by the grade separation.

The case of Walkerville v. Pere Marquette, 40 C.R.C., p. 88, is altogether similar. The application was made under Section 256; it was to extend Wyandotte street over the railway tracks; instead of a level crossing a grade separation was built, in that particular instance, a subway; the railway, on account of its seniority, refused to contribute to the cost; no crossings were closed by the judgment or the Order though the question was raised and the railway offered \$8,000 as a grant or contribution for the closing of the level crossing at Edna street.

There is no material difference between these two cases, and, in the Walkerville case the railways were assessed the sum of \$59,455.50, because the grade separation was a great advantage over a railway crossing, beneficial to the railway company and a complete protection to the public, an actual work for the protection, safety and convenience of the public. This decision is based on the principle that whoever benefits should compensate.

In his judgment, Mr. Commissioner Stoneman says that the ruling in that case does not apply to the present one, as the railway companies offered to contribute an amount of \$10,000 towards that construction, but the evidence and the judgment do not support this affirmation.

The Evidence, p. 4420, Vol. 592, shows that Mr. Furlong, Counsel for the Pere Marquette R. Co. & al., denied any liability of the railways in the grade separation itself. He said:—

“But in this particular case the Pere Marquette gets some benefit by the closing of the Edna street crossing, a small benefit; there is no doubt about that. At the same time, it is not a dangerous crossing. From its inception, in the year 1890, we have had only three claims, and none of those claims were paid.

In addition to that, we have the added advantage of the rail space, by closing a crossing, and of course that hazard, whatever it may be in the future, is eliminated. So we have figured it in this way, supposing we were ordered in the future to put up a wigwag system which, of course, according to the Board's Order in 1907 would be at the cost of the municipality, the Railway being senior, we would not have to pay for the cost of that, but assuming that we were liable, that we should contribute, we thought about \$1,200 would be the cost of putting it in, and we offered as a gift \$10,000 for the crossing, *less the cost of \$1,900 that we have been put to by moving our tracks.*”

It is evident that the railways refused to accept any liability for the grade separation itself, so much so that the \$1,900 spent in moving the tracks over the subway was to be deducted from the \$10,000 offered.

As aforesaid, the judgment in that case did not consider in any way the offer but only what were the advantages to the railways from the construction of a grade separation instead of a level crossing and apportioned the costs against the railways on account of the advantages the railways would derive from the grade separation in comparison to a level crossing.

The following quotations will support this contention, Evidence, volume 592, pp. 4415-16-17:—

“The ASSISTANT CHIEF: Putting the questions in order, it was intimated by counsel that there was no contest as to the railway being senior. As I understand it, you are admitting that. I just want to see what your position is, as to the implications which will flow from it.

Mr. MCPHEE: I think there is no doubt but that the railway is senior to the street, at that point.

The ASSISTANT CHIEF: Following that, do you admit that the cost of construction and maintenance of whatever crossing may be ordered, or whatever protection may be ordered, attached to the junior party?

Mr. MCPHEE: No, sir, I do not admit that.

The ASSISTANT CHIEF: I only want to get at what your position is.

Mr. MCPHEE: There are many cases on record—I have one in my hand now—where in spite of the general senior and junior rule, either one or other may be ordered to pay part of the cost which would not otherwise have been borne. For example, the Canadian National Railways' bridge, in spite of the fact that the street was senior to the railway, the municipality was ordered to pay—shall we say the municipalities between them were ordered to pay 35 per cent of the cost, on account of the increased traffic conditions.

* * * * *

The ASSISTANT CHIEF: It is open to the Board to consider the Pere Marquette, and its hands are not bound by the rule as to seniority. Have you any suggestion as to the basis of distribution?

Mr. MCPHEE: As to the proportion of the Pere Marquette Railway?

The ASSISTANT CHIEF: Yes.

Mr. MCPHEE: I do not consider it so much from the standpoint of the basis, sir. I have tried to arrive at it from the point of view of the benefit it will be to the Railway Company per annum.

The ASSISTANT CHIEF: To capitalize it, you mean?

Mr. MCPHEE: Yes, sir. I was hoping that Mr. Dewess would be of some help to us, but unfortunately he could not put in dollars and cents.

The ASSISTANT CHIEF: Have you anything to suggest?

Mr. MCPHEE: I would suggest that even under existing conditions it ought to be worth to them a matter of at least \$3,000 a year, which capitalized would be in the neighbourhood of \$60,000. When I say that, I think I am conservative; possibly I ought to have gone a little beyond that.”

To corroborate my assertion that the railways were assessed only on account of the benefits derived from the grade separation and not because of the offer made by the railway company, I shall quote Evidence, volume 592, p. 4420; Mr. Furlong's remarks, in summing up his argument:—

“Yes. We offer that. That of course is without any liability or abuse of the Board's invariable rule for years, namely, that the senior will not be forced to pay anything. We offered that because we knew we were getting some benefit from the closing of this crossing.”

Now, may I add again that neither the judgment nor the Order closed the Edna Street level crossing, which point was not considered by the Board in its judgment.

"The matter which has to be decided" (as in this one) "is whether, on the facts and under the decisions, there is justification and power for disregarding the rigid application of the senior and junior rule"—(Assistant Chief Commissioner McLean, 40 C.R.C., p. 91).

The facts are altogether similar in both cases, as the evidence shows and the decisions quoted necessarily apply, viz:—

Municipalities of Ste. Anne de Bellevue & Senneville v. G.T.R. & C.P.R., 16 C.R.C., 250; Toronto v. C.P.R., 28 D.L.R., 558; 19 C.R.C., 293; Montreal v. G.T.R., 22 C.R.C., 444; Hamilton v. Hamilton St. R. Co. & T.H. & B. Co., 29 C.R.C., 184; Brantford v. C.N.R., 35 C.R.C., 155, at p. 158, folld.

"In apportioning the cost of separation of grades, the amount of traffic on the highway and the railway respectively are more important factors than the question of seniority and the senior and junior rule should not be given as much weight as in the case of one railway crossing another." (16 C.R.C., p. 250, above referred to.)

"The Board found that protection by gates and watchmen was necessary. Considering the particular facts, it made an order directing 20 per cent of the cost of protection to be paid out of the Grade Crossing Fund, and provided that the remaining 80 per cent as well as the cost of operation, should be divided equally between the applicant and the respondent." (19 C.R.C., p. 293, above referred to.)

"While there is no desire to create a disturbance of that wholesome rule (that is, the senior and junior rule), I am not prepared to say it is applicable to this case. It has been varied and relaxed according to circumstances, by various decisions of this Board. The facts of each case have to be taken into consideration." (29 C.R.C., p. 184 above referred to.)

"As a rule, when a railway is carried across an existing highway, the cost of the construction, maintenance and protection of the crossing is borne by the company, as part of its railway undertaking; and conversely, when a highway is carried across an existing railway, the said cost is borne as part of the highway undertaking. This is a general line of practice commonly known as the senior and junior rule, but it suffers exceptions and it is sometimes assuaged on account of special circumstances. For instance, when, at a crossing located in a city or town, passes vehicular traffic which originates or terminates within the municipality, and such traffic has increased in volume more rapidly than the traffic on the railway, the municipality, notwithstanding its seniority, is called upon to bear a part of the cost of the works ordered." (35 C.R.C., p. 155, above referred to.)

After making these quotations, the Assistant Chief Commissioner, in his judgment in the Walkerville v. Pere Marquette Ry. case, said:—

"On consideration of the particular facts in the present case, I am of the opinion that it is open to the Board to direct that, notwithstanding the admitted seniority of the steam railway at the point of crossing, such contribution as the Board deems proper should be directed."

As above mentioned, the facts are identical as to traffic conditions in both cases.

The judgment quoted by Mr. Commissioner Stoneman, Department of Highways of Quebec v. C.P.R., 47 C.R.C., p. 193, cannot be considered as a

precedent on the question involved in this case. The evidence is altogether different and the decision is based on the sole fact that the diversion would not relieve the C.P.R. of the maintenance of the existing crossing, and no more.

"The grounds upon which the applicant based its claim for a contribution were the same as those advanced in the present application, namely, that when the bridge was completed and the highway was diverted, ninety per cent of the traffic would cross over the bridge and the existing crossing would be relieved to that extent." (Majority judgment, p. 2).

But, Evidence, volume 651, p. 747, sets forth other grounds:—

" . . . it would be easy for the Department of Roads just to go and work over that level crossing. It would mean less cost for the Department, less cost of construction, no abutment, no overhead bridge to build or maintain, even if no part of the whole cost should be imposed upon the Railway. During the winter time when it freezes they have to put sand on the rail, all these things are coming from the fact the Department of Highways built an overhead bridge to protect not only for the present moment but also for the future. There will not be the slightest possibility of an accident between the railway and the passing automobile or any other property.

I submit this is a good argument in answer to the question we are always met with, as to why we want a contribution when it is only a highway improvement. Maybe it is, *but it is also an improvement for the protection of the public and also for the protection of the property of the Railway.*"

Also, at p. 750, the argument taken from Hansard, Session of 1909, vol. 4, pages 6542, 6543, 6544, 6545 and 6548.

The majority judgment also says, p. 2: "Under the Railway Act, the opinion of the Chief Commissioner upon a question of law prevails." It ought to have added, "upon any question of law arising when he is presiding, which, in the opinion of the Commissioners, is a question of law." (Section 12 (2) of the Act.)

That, however, is not this situation. The Chief Commissioner was not present and did not preside in this case. The essentials expressly required to make the Section applicable do not exist.

By Section 11 of the Railway Act, the Deputy Chief Commissioner is given the powers of the Chief Commissioner, in the case of the absence of the Chief Commissioner and the Assistant Chief Commissioner, or of their inability to act. In those circumstances, the Deputy Chief Commissioner is exercising the powers of the Chief Commissioner, *for him or in his stead.*

I do not know what clearer language could have been used to give the Deputy Chief Commissioner the powers conferred by the Act upon the Chief Commissioner, in the absence of the Chief Commissioner or the Assistant Chief Commissioner.

The effect of the sections referred to is, I think, that, in the absence of the Chief Commissioner and of the Assistant Chief Commissioner, the Deputy Chief Commissioner shall have the power to pass upon any question of law arising when he is presiding, which, in the opinion of the Commissioners, is a question of law.

The majority judgment refused to recommend a grant from the Parliamentary Vote because of want of jurisdiction to do so. With deference, I do not accept that view. Under the ruling of the Supreme Court of Canada, a contribution for the purpose cannot, in the circumstances, be made available

from the Railway Grade Crossing Fund, but contributions from the Parliamentary Vote are not so limited, and in my opinion one can be made toward the cost of the actual work for the protection, safety and convenience of the public in the present case.

Being of this view and as Deputy Chief Commissioner presiding at the hearing, I so hold, and would recommend to the Governor-in-Council that a grant be made from the Parliamentary Vote known as Vote 630, Appropriation Act No. 4—1938, of 40 per cent of the estimated cost, \$97,500, not to exceed \$39,000, if any money from such fund is still available, or when it becomes available, the Department of Roads to pay 70 per cent of the balance, after deduction of any amount, if any, from the public monies from Vote 630, and the railway, 30 per cent of the balance.

If no public money is granted towards the construction of this overhead bridge, the Department of Roads to contribute 70 per cent, and the railways 30 per cent, of the estimated cost, not to exceed \$29,000, and the maintenance to be borne by the Department of Roads.

OTTAWA, August 3, 1938.

Traduction.

Requête du ministère de la Voirie de Québec pour obtenir l'autorisation de construire un passage supérieur sur la route n° 15 au-dessus des voies de la compagnie Quebec Railway, Light, Heat & Power, dans le village de Giffard, P.Q., et pour faire répartir le coût de construction du dit ouvrage.

Dossier n° 36600.15

JUGEMENT

STONEMAN, *Commissaire*:

Il s'agit ici d'une requête du ministère de la Voirie de Québec demandant (1) l'autorisation de construire un passage supérieur sur la route n° 15 dans le village de Giffard, P.Q.; (2) un octroi à même la caisse des passages à niveau, ou à même d'autres fonds spécialement destinés à des travaux pour la protection et la sécurité du public aux passages à niveau, et (3) une contribution de la part de la compagnie de chemin de fer au coût des dits travaux.

La requête fut entendue à Québec, le 14 juin 1938, en présence des avocats du ministère de la Voirie de Québec et de la compagnie Quebec Railway, Light, Heat & Power.

D'après la preuve présentée à l'audition, la route-détour projetée va principalement accommoder le trafic direct entre Québec et le pont qu'on se propose de construire. Le vieux chemin et le passage à niveau actuel continueront d'être utilisés par le trafic local ou une partie d'icelui.

La Commission ayant demandé l'avis de la Cour Suprême du Canada sur ce point, celle-ci a maintenu que l'article de la Loi des chemins de fer relatif aux passages à niveau ne permettait pas que des octrois soient accordés à même ce fonds dans le cas des routes-détour par la construction desquelles les passages à niveau non supprimés sont libérés d'un volume considérable de trafic. (40 C.R.C. 110).

Le Commissaire en chef a décidé qu'aucun octroi ne pouvait être accordé à même le crédit parlementaire dans le cas d'un projet de route-détour et de construction d'un pont, lorsque le passage à niveau existant n'était pas supprimé. (47 C.R.C. 193). D'après la Loi des chemins de fer, l'opinion du Commissaire en chef sur une question de droit prévaut.

Le pouvoir d'émettre une ordonnance à l'encontre de la compagnie de chemin de fer comme partie "intéressée ou affectée" au sujet de travaux dont on demande l'autorisation, est expressément donné à la Commission par la Loi (Articles 39 et 259). Ce pouvoir a été confirmé par les tribunaux dans un certain nombre de causes. La seule question, par conséquent, à décider dans le cas présent, est de savoir si ce pouvoir devrait être exercé en enjoignant à la compagnie de chemin de fer de contribuer au coût du projet.

Les faits et particularités de la présente cause sont les mêmes que dans la cause du ministère de la Voirie v. C.P.R., 47 C.R.C. 193. Dans cette cause comme dans la présente, le ministère de la Voirie de Québec demanda un octroi à même la caisse des passages à niveau ou à même le crédit parlementaire ainsi qu'une contribution de la part de la compagnie de chemin de fer en rapport avec la construction d'une route-détour provinciale et d'un pont au-dessus du chemin de fer, à une courte distance du passage à niveau existant. Comme dans le cas présent, la route-détour projetée ne supprimait pas le passage à niveau existant. Les motifs sur lesquels le requérant basait sa demande d'octroi étaient les mêmes que dans la présente requête, à savoir une fois le pont parachévé et la route détournée, quatre-vingt-dix pour cent (90%) du trafic passerait sur le pont et le passage existant en serait libéré d'autant. La demande d'octroi à même la caisse des passages à niveau et le crédit parlementaire fut renvoyée faute de juridiction.

Sur la question d'imposer une partie du coût à la compagnie de chemin de fer, le Commissaire en chef, dans son jugement, dit: "Je ne vois pas en vertu de quel principe la compagnie de chemin de fer Canadien du Pacifique peut être appelée à contribuer à cet ouvrage. Le chemin de fer aura encore à entretenir le passage à la station de Lorette pour la commodité du public qui utilise le chemin de fer à cette station". (p. 195). C'est la même situation dans le cas présent, le chemin de fer devra encore entretenir le passage actuel.

Dans la cause de Walkerville v. P.M.Ry.Co., 40 C.R.C., page 88, sur laquelle le Commissaire en chef suppléant a attiré mon attention, le chemin de fer, vu qu'il était en quelque sorte avantagé par la construction d'un tunnel, offrit de contribuer au coût des travaux. Je crois que ce fait établit clairement une distinction entre cette cause et les circonstances de la présente.

Pour les raisons mentionnées ci-dessus, la demande de contributions au coût des travaux soit à même la caisse des passages à niveau, soit à même le crédit parlementaire, ou de la part de la compagnie de chemin de fer, doit, à mon avis, être renvoyée. Si, toutefois, le requérant décidait de construire le passage supérieur en question sans l'assistance financière à même les sources que je viens de mentionner, j'accorderais l'autorisation nécessaire.

OTTAWA, le 29 juillet 1938.

Le Commissaire STONE s'est rallié au jugement ci-dessus.

Requête du ministère de la Voirie de Québec pour obtenir l'autorisation de construire un passage supérieur sur la route n° 15 au-dessus des voies de la compagnie Quebec Railway, Light, Heat & Power, dans le village de Giffard, P.Q., et pour faire répartir le coût de construction du dit ouvrage.

Dossier n° 36600.15

GARCEAU, commissaire en chef suppléant:—

(Dissident)

Il s'agit ici d'une requête faite en vertu de l'article 256 de la Loi des chemins de fer.

Le ministère de la Voirie de la province de Québec demande d'être autorisé à construire un passage supérieur au-dessus des voies doubles du chemin de fer à

Giffard, Qué., ainsi qu'un octroi à même toutes sommes d'argent mises à la disposition de la Commission pour telles fins, et qu'une partie des frais de construction dudit passage supérieur soit imposée à la compagnie de chemin de fer.

Je suis d'accord avec le jugement de la majorité quant à ce qui concerne les deux premières parties de la requête, à savoir: que le requérant devrait être autorisé à construire le passage supérieur projeté, et que la Commission n'a pas juridiction pour accorder un octroi à même la Caisse des passages à niveau; toutefois, à mon avis, la Commission n'a pas juridiction non à cause de la construction d'une route-détour sans élimination d'un passage à niveau, car il n'y a pas de route-détour dans le cas présent—c'est une nouvelle route qui est projetée, la route actuelle devant continuer d'exister—mais plutôt à cause des dispositions des articles 262-(1) et 262-(5) qui se lisent comme suit:—

"...Toutefois, la Commission ne doit pas affecter des fonds de la Caisse des passages à niveau au paiement du coût de construction des ouvrages réels destinés à la protection, la sûreté et la commodité du public à des traverses à niveau existantes (croisements de voies publiques par le chemin de fer ou croisements de chemins de fer par la voie publique) construites après le premier jour d'avril mil neuf cent neuf, à moins que ne soit intervenue, entre la compagnie et une corporation municipale ou autre corporation ou une personne, une entente par laquelle la corporation municipale ou autre corporation ou la personne, a consenti à défrayer de concert avec la compagnie, une partie du coût de la construction des ouvrages réels destinés à la protection, la sûreté et la commodité du public à ces traverses à niveau (croisements de la voie publique par le chemin de fer ou croisements du chemin de fer par la voie publique) construites après le premier jour d'avril mil neuf cent neuf."

(5) Les subventions peuvent être employées pour les fins mentionnées dans ladite loi, subordonnement aux termes et conditions du présent article."

Je ne puis cependant admettre que la Commission n'a pas le pouvoir de demander au Gouverneur-en-Conseil d'accorder un octroi à même les fonds disponibles en vertu du Vote 630 de la Loi des Subsidés de 1938 qui se lit comme suit: "Montant à être appliqué au paiement du coût actuel des travaux de construction destinés à la protection, la sécurité et la commodité du public relativement aux croisements des routes par les chemins de fer que le Gouverneur-en-Conseil peut de temps à autre déterminer, à savoir, \$1,000,000."

Le fait qu'il n'existe pas au sujet de ce fonds une restriction comme à l'article 262 de la Loi des chemins de fer, est démontré par les termes du Vote n° 422 de ladite loi qui se lisent comme suit: "Caisse des passages à niveau—montant en plus de celui prévu par l'article 262-(6) de la Loi des chemins de fer—à être mis au crédit de la Caisse des passages à niveau et à être appliqué par la Commission des chemins de fer du Canada conformément aux restrictions énoncées au chap. 43 des Statuts du Canada de 1928, et amendées par le chap. 54 des Statuts du Canada de 1929, à savoir, \$300,000."

Il est évident, d'après ces deux textes, que la juridiction de la Commission pour recommander au Gouverneur-en-Conseil d'accorder un octroi à même les fonds appropriés par le Vote 630, dans le but de défrayer les frais de construction d'ouvrages pour la protection, la sécurité et la commodité du public, n'est pas restreinte.

On ne peut nier que le passage supérieur que l'on projette de construire est un ouvrage pour la protection, la sécurité, et la commodité du public.

Pour ce qui est de la question d'imposer une partie des frais au chemin de fer, la Commission a à décider si elle devrait s'en tenir rigoureusement à l'application de la règle d'ancienneté ou répartir les frais selon les bénéfices et avantages

qu'il en résulterait pour chacune des parties intéressées, en proportion des bénéfices et avantages que chacune desdites parties intéressées, à savoir, le chemin de fer et le ministère de la Voirie, obtiendrait de cette construction.

Pour résoudre la question, on doit prendre en considération les conditions qui existent au passage qui doit être protégé; savoir, si le passage supérieur projeté constitue réellement un avantage important pour le chemin de fer en comparaison avec un passage à niveau à cet endroit particulier; en d'autres termes, est-il indifférent pour le chemin de fer qu'un passage à niveau ou un passage supérieur soit construit?

Les conditions que la construction d'un passage supérieur pourrait créer au passage à niveau actuel sur l'autre chemin, à environ 1,000 pieds de distance, ne sauraient être considérées; l'ancien passage continuerait d'exister comme source de dangers et le chemin de fer aurait à l'entretenir comme auparavant.

Je suis d'accord avec le jugement de la majorité sur ce point; mais dans quelle situation se trouverait le chemin de fer si l'on construisait un passage à niveau au lieu d'un passage supérieur?

La requête est faite en vertu de l'article 256 de la Loi des chemins de fer, et le rapport de l'ingénieur de division de la Commission, M. Bélanger, daté du 18 mai 1938, dit: "Le ministère de la Voirie a projeté de construire une nouvelle section de la route n° 15 qui sera une route directe et pour grande vitesse conduisant au pont de l'Île d'Orléans. Cette nouvelle route croisera la ligne de la compagnie de chemin de fer..." et c'est ceci qu'il faut considérer et non pas les conséquences de la construction d'un passage supérieur par rapport à un autre passage, lequel, pour la décision de la présente cause, doit être considéré comme non existant, ce que fit la Commission dans la cause de *Walkerville vs Pere Marquette Ry. Co. & al.*, 40 C.R.C., p. 88, à laquelle je référerai plus loin.

La preuve démontre qu'il y a à cet endroit des voies doubles sur lesquelles circulent vingt-quatre trains réguliers de voyageurs durant le jour sans compter les trains de marchandises et un nombre indéfini de trains d'excursion circulant tous les jours et à toute heure à destination du Sanctuaire de Ste-Anne de Beaupré; tous ces trains passent à l'endroit où l'on projette de construire le passage supérieur au lieu d'un passage à niveau, et il n'y a pas de doute que la manœuvre et les mouvements d'aiguillage se feront sous le passage supérieur vu que la gare ne se trouve qu'à 1,000 pieds de distance.

La circulation sur la nouvelle route et sur le passage supérieur sera très considérable. Les conditions du trafic tant sur la route que sur le chemin de fer font voir la nécessité de construire le passage supérieur en vue de la protection, la sécurité, et la commodité du public.

Il est vrai de dire que la suppression d'un passage à niveau constitue toujours un avantage pour le chemin de fer et une protection entière pour le public contre les dangers qu'occasionne une ligne de chemin de fer.

Dans les deux cas, le chemin de fer retire des avantages proportionnés au volume de trafic sur ses voies et sur la route, duquel dernier trafic il se trouve libéré par la suppression du passage à niveau.

La cause de *Walkerville vs Pere Marquette*, 40 C.R.C., p. 88 est tout à fait analogue à celle-ci. La requête fut faite en vertu de l'article 256; c'était pour prolonger la rue Wyandotte à travers les voies du chemin de fer; dans ce cas particulier, au lieu de construire un passage à niveau, on construisit un passage souterrain; le chemin de fer, à cause de son droit d'ancienneté, refusa de contribuer au coût de sa construction; le jugement ou l'ordonnance ne pourvoit pas à la fermeture de passages à niveau bien que la question fût soulevée, et le chemin de fer offrit la somme de \$8,000 à titre de contribution pour la fermeture du passage à niveau à la rue Edna.

Il y a similarité entre ces deux cas; dans la cause de *Walkerville*, le chemin de fer fut appelé à contribuer pour la somme de \$59,544.50, car la construction du passage souterrain au lieu d'un passage à niveau lui était d'un grand avan-

tage et constituait une protection entière pour le public; un ouvrage pour la protection, la sécurité, et la commodité du public. Cette décision est basée sur le principe que quiconque retire des avantages devrait compenser.

Dans son jugement, monsieur le commissaire Stoneman dit que la décision dans cette cause ne s'applique pas à la présente cause, vu que les compagnies de chemins de fer ont offert de contribuer pour un montant de \$10,000 au coût de cette construction, mais la preuve et le jugement ne supportent pas cette affirmation.

La preuve, à la page 4420, Vol. 592, démontre que M. Furlong, l'avocat de la compagnie Pere Marquette Ry & al. a nié toute obligation de la part des chemins de fer relativement à la suppression du passage à niveau. Il a déclaré:

"But in this particular case the Pere Marquette gets some benefit by the closing of the Edna Street crossing, a small benefit; there is no doubt about that. At the same time, it is not a dangerous crossing. From its inception, in the year 1890, we have had only three claims, and none of those claims were paid.

In addition to that, we have the added advantage of the rail space, by closing a crossing, and of course that hazard, whatever it may be in the future, is eliminated. So we have figured it in this way, supposing we were ordered in the future to put up a wigwag system which, of course, according to the Board's Order in 1907 would be at the cost of the municipality the Railway being senior, we would not have to pay for the cost of that, but assuming that we were liable, that we should contribute, we thought about \$1,200 would be the cost of putting it in, and we offered as a gift \$10,000 for the crossing, *less the cost of \$1,900 that we have put to by moving our tracks.*"

Il est évident que le chemin de fer refusait d'accepter toute obligation par rapport au passage souterrain lui-même, à tel point que la somme de \$1,900 dépensée pour le déplacement des rails au-dessus du souterrain devait être déduite du montant offert de \$10,000.

Tel que susdit, le jugement dans cette cause n'a nullement considéré l'offre faite, mais seulement ce que seraient les avantages pour le chemin de fer provenant de la construction d'un passage souterrain au lieu d'un passage à niveau, et a imposé une partie des frais au chemin de fer à cause des avantages que celui-ci retirerait de la construction d'un passage souterrain au lieu d'un passage à niveau.

Les citations suivantes appuient cette prétention. Voir preuve au Vol. 592, pp. 4415-16-17:

"The ASSISTANT CHIEF:—Putting the questions in order, it was estimated by counsel that there was no contest as to the Railway being senior. As I understand it, you are admitting that. I just want to see what your position is, as to the implications which will flow from it.

Mr. MCPHEE:—I think there is no doubt but that the railway is senior to the street at that point.

The ASSISTANT CHIEF:—Following that, do you admit that the cost of construction and maintenance of whatever crossing may be ordered, or whatever protection may be ordered, attached to the junior party?

Mr. MCPHEE:—No, sir, I do not admit that.

The ASSISTANT CHIEF:—I only want to get at what your position is.

Mr. MCPHEE:—There are many cases on record—I have one in my hand now—where in spite of the general senior and junior rule, either one or other may be ordered to pay part of the cost which would not otherwise have been borne. For example, the Canadian National Railways' bridge, in spite of the fact that the street was senior to the railway, the

municipality was ordered to pay—shall we say the municipalities between them were ordered to pay 35 per cent of the cost, on account of the increased traffic conditions.

The ASSISTANT CHIEF: It is open to the Board to consider the Pere Marquette, and its hands are not bound by the rule as to seniority. Have you any suggestion as to the basis of distribution?

Mr. MCPHEE: As to the proportion of the Pere Marquette Railway?

The ASSISTANT CHIEF:—Yes.

Mr. MCPHEE: I do not consider it so much from the standpoint of the basis, sir, I have tried to arrive at it from the point of view of the benefit it will be to the Railway Company per annum.

The ASSISTANT CHIEF: To capitalize it, you mean?

Mr. MCPHEE: Yes, sir. I was hoping that Mr. Dewess would be of some help to us, but unfortunately he could not put it in dollars and cents.

The ASSISTANT CHIEF: Have you anything definite to suggest?

Mr. MCPHEE: I would suggest that even under existing conditions it ought to be worth to them a matter of at least \$3,000 a year, which capitalized would be in the neighborhood of \$60,000. When I say that, I think I am conservative; possibly I ought to have gone a little beyond that."

Pour corroborer ma prétention qu'on a fait contribuer le chemin de fer seulement à cause des avantages provenant de la construction du passage souterrain et non pas à cause de l'offre faite par la compagnie de chemin de fer, je citerai la preuve au Volume 592, à la page 4420 concernant les remarques de M. Furlong, en résumant son argument:

"Yes. We offered that. That of course is without any liability or abuse of the Board's invariable rule for years, namely, that the senior will not be forced to pay anything. *We offered that because we knew we were getting some benefit from the closing of this crossing.*"

Maintenant, puis-je ajouter que ni le jugement ni l'ordonnance n'autorisèrent la fermeture du passage à niveau de la rue Edna, lequel passage ne fut pas considéré par la Commission dans son jugement.

"La question qui doit être décidée" (comme dans le cas présent) "est de savoir si, sur les faits et en vertu des décisions rendues, il est justifiable et possible de mettre de côté l'application rigoureuse de la règle "senior et junior".—(Le Commissaire en chef adjoint McLean, 40 C.R.C., p. 91.)

Les faits sont tout à fait semblables dans les deux cas comme le démontre la preuve, et les décisions citées ci-après s'appliquent nécessairement, à savoir:

Municipalities of Ste. Anne de Bellevue & Senneville v. G.T.R. & C.P.R., 16 C.R.C., 250.

Toronto v. C.P.R., 28 D.L.R., 558; 19 C.R.C., 293;

Montreal v. G.T.R., 22 C.R.C., 444;

Hamilton v. Hamilton St. R. Co., & T. H. & B. Co., 29 C.R.C., 184;

Brantford v. C.N.R., 35 C.R.C., 155, at p. 158, folld.

"In apportioning the cost of separation of grades, the amount of traffic on the highway and the railway respectively are more important factors than the question of seniority, and the senior and junior rule should not be given as much weight as in the case of one railway crossing another." (16 C.R.C., p. 250, above referred to).

"The Board found that protection by gates and watchmen was necessary. Considering the particular facts, it made an Order directing

20% of the cost of protection to be paid out of the Grade Crossing Fund, and provided that the remaining 80% as well as the cost of operation, should be divided equally between the applicant and the respondent." (19 C.R.C., p. 293, above referred to).

"While there is no desire to create a disturbance of that wholesome rule (that is, the senior and junior rule) I am not prepared to say it is applicable to this case. It has been varied and relaxed according to circumstances, by various decisions of this Board. The facts of each case have to be taken into consideration." (29 C.R.C., p. 184, above referred to).

"As a rule, when a railway is carried across an existing highway, the cost of the construction, maintenance, and protection of the crossing is borne by the company, as part of its railway undertaking; and conversely, when a highway is carried across an existing railway, the said cost is borne as part of the highway undertaking. This is a general line of practice commonly known as the senior and junior rule, but it suffers exceptions and it is sometimes assuaged on account of special circumstances. For instance, when, at a crossing located in a city or town, passes vehicular traffic which originates or terminates within the municipality, and such traffic has increased in volume more rapidly than the traffic on the railway, the municipality, notwithstanding its seniority, is called upon to bear a part of the cost of the works ordered." (35 C.R.C., p. 155, above referred to).

Après avoir fait ces citations, le Commissaire en chef adjoint, dans son jugement dans la cause de Walkerville vs Pere Marquette Ry., dit:

"On consideration of the particular facts in the present case, I am of the opinion that it is open to the Board to direct that, notwithstanding the admitted seniority of the steam railway at the point of crossing, such contribution as the Board deems proper should be directed."

Comme ci-dessus mentionné, les faits dans les deux cas sont les mêmes quant aux conditions de trafic.

Le jugement cité par monsieur le commissaire Stoneman dans la cause du ministère de la Voirie de la province de Québec vs C.P.R., 47 C.R.C., p. 193, ne saurait être considéré comme un précédent concernant la question à décider dans la présente cause. La preuve est tout à fait différente et la décision est basée sur le seul fait que la route-détour ne libérerait pas le C.P.R. de l'obligation d'entretenir le passage existant, et rien de plus.

"Les motifs sur lesquels le requérant basait sa demande d'octroi étaient les mêmes que dans la présente cause, à savoir; une fois le pont parachevé et la route détournée, 90% du trafic passerait sur le pont, et le passage existant en serait libéré d'autant." (Jugement de la majorité, p. 2).

Mais la preuve au Volume 651, p. 747, donne d'autres raisons:

"...it would be easy for the Department of Roads just to go and work over that level crossing. It would mean less cost for the Department, less cost of construction, no abutment, no overhead bridge to build or maintain, even if no part of the whole cost should be imposed upon the Railway. During the winter time when it freezes they have to put sand on the rail, all these things are coming from the fact the Department of Highways built an overhead bridge to protect not only for the present moment but also for the future. There will not be the slightest possibility of an accident between the railway and the passing automobile or any other property.

I submit this is a good argument in answer to the question we are always met with, as to why we want a contribution when it is only a

highway improvement. May be it is, *but it is also an improvement for the protection of the public and also for the protection of the property of the Railway.*"

Aussi à la page 750, l'argument extrait du Hansard, Session de 1909, Vol. 4, pages 6542, 6543, 6544, 6545 et 6548.

Le jugement de la majorité dit aussi à la page 2:

"D'après la Loi des chemins de fer, l'opinion du Commissaire en chef sur une question de droit prévaut." Il aurait dû ajouter: "sur toute question de droit qui se présente lorsqu'il préside, laquelle, de l'avis des membres de la Commission est une question de droit." Article 12-(2) de la loi.

Ce n'est pas toutefois la situation dans le cas présent. Le Commissaire en chef n'était pas présent et n'a pas présidé en cette cause. Les conditions essentielles expressément requises pour rendre l'article applicable n'existent pas.

En vertu de l'article 11 de la Loi des chemins de fer, le Commissaire en chef suppléant est investi des pouvoirs du Commissaire en chef, en l'absence de ce dernier ou de son adjoint, ou à cause de leur incapacité d'agir. Dans ces circonstances, le Commissaire en chef suppléant exerce les pouvoirs du Commissaire en chef, *pour lui ou à sa place*.

Je ne connais pas d'expression plus claire qui pût être employée pour donner au Commissaire en chef suppléant les pouvoirs conférés par la loi au Commissaire en chef, en l'absence de ce dernier ou de son adjoint.

Les articles auxquels il est référé sont à l'effet, je crois, qu'en l'absence du Commissaire en chef et de son adjoint, le Commissaire en chef suppléant aura le pouvoir de décider de toute question de droit pouvant se présenter lorsqu'il préside, laquelle, de l'avis des membres de la Commission est une question de droit.

Le jugement de la majorité a refusé de recommander un octroi à même le Crédit parlementaire pour cause d'absence de juridiction. Avec tout le respect qui est dû, je n'accepte pas cette manière de voir. Par suite de la décision de la Cour Suprême du Canada, un octroi à cette fin ne peut pas, dans les circonstances, être accordé à même la Caisse des passages à niveau, mais des octrois à même le Crédit parlementaire ne sont pas ainsi restreints, et, à mon avis, un tel octroi peut être accordé pour défrayer le coût de l'ouvrage projeté en vue de la protection, la sécurité, et la commodité du public dans le cas présent.

Comme Commissaire en chef suppléant ayant présidé à l'audition de cette cause, je maintiens cette interprétation et recommanderais au Gouverneur-en-Conseil d'accorder un octroi à même le Crédit parlementaire connu comme étant l'Item 630 de la Loi des Subsidies N° 4 — 1938, de 40 pour cent du coût estimé de \$97,500, ne devant pas excéder \$39,000, s'il y a encore des argents disponibles à même ce fonds, ou lorsqu'il y en aura; le ministère de la Voirie devant payer 70 pour cent de la balance de tel coût après déduction faite de tout montant reçu, à même les fonds publics appropriés par le Crédit 630, et le chemin de fer devant payer 30 pour cent de la balance.

Si aucun octroi n'est donné pour la construction de ce passage supérieur, le ministère de la Voirie devra contribuer dans la proportion de 70 pour cent, et le chemin de fer dans celle de 30 pour cent du coût estimé ne devant pas excéder \$29,000, et l'entretien devra être à la charge du ministère de la Voirie.

OTTAWA, le 3 août 1938.

ORDER NO. 56280

In the matter of the application of the Department of Roads for the Province of Quebec, hereinafter called the "Applicant," under Section 257 of the Railway Act, for authority to construct an overhead bridge across the tracks of the Quebec Railway, Light & Power Company on Highway No. 15, in the Village of Giffard, Province of Quebec; and for a contribution by the Board and the said Railway Company towards the cost of the said work.

File No. 36600.15.

WEDNESDAY, the 3rd Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held in Quebec, June 14, 1938, in the presence of Counsel for and representatives of the Applicant, the Quebec Railway, Light & Power Company, and the Canadian National Railways, and what was alleged; and upon the report and recommendation of the Division Engineer of the Board—

It is Ordered:

1. That the application for a contribution from the Railway Grade Crossing Fund, or from any Parliamentary Vote, be, and it is hereby, refused.

2. That the Applicant be, and it is hereby, authorized, at its own expense, to construct and maintain an overhead bridge over the tracks of the Quebec Railway, Light & Power Company on Highway No. 15, in the village of Giffard and Province of Quebec, as shown on general plan dated January, 1938, on file with the Board under file No. 36600.15; and that detail plans of the proposed structure be filed for the approval of an Engineer of the Board.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56245

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2.

WEDNESDAY, the 3rd Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 22 to Tariff C.T.C. No. E-2526.

Supplement 1 to Tariff C.T.C. No. E-2823.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56246

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2.

WEDNESDAY, the 3rd Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in item 572 of Supplement No. 6 to Tariff C.T.C. No. E-2762, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Canada & Gulf Terminal Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Canada & Gulf Terminal Railway Company's proportion of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 572 of Supplement No. 6 to Tariff C.T.C. No. E-2762, approved herein, are as follows:—

Item	Billed	Normal
572... ..	3	3 $\frac{3}{4}$

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER NO. 56247

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15.

WEDNESDAY, the 3rd Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the toll published for indices Nos. 75 and 80 in Supplement No. 16 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Indices Nos. 75 and 80 of Supplement No. 16 to Tariff C.T.C. No. 194, approved herein, is 445 cents per ton of 2,000 pounds.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER NO. 56253

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.23.

THURSDAY, the 4th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the toll published in Tariff C.T.C. No. 41, filed by the Canada & Gulf Terminal Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 41, approved herein, is 15½ cents per 100 pounds.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56274

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2.

TUESDAY, the 9th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 38 to Tariff C.T.C. No. E-2444.

Supplement No. 10 to Tariff C.T.C. No. E-2629.

Tariff C.T.C. No. E-2830.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56279

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12.

WEDNESDAY, the 10th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

The Board Orders:

1. That the tolls published in 4th revised page 22 of Tariff C.T.C. No. E-4757, filed by the Canadian Pacific Railway Company under Section 9 of the

Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said 4th revised page 22 of Tariff C.T.C. No. E-4757, approved herein, are as follows:—

Item	To	Cents per 100 pounds
120	Montreal, Que.	41
	Quebec, Que.	41½
130..	. . . . .	32
145..	. . . . .	46½
100..	. . . . . 5th class rates]	
160..	. . . . . 6th class rates]	
175..	. . . . . { C.L. 5th class rates]	Covered by pre- vious Order or Orders of the Board
	. . . . . { L.C.L. 3rd class rates]	
190..	. . . . . { C.L. 8th class rates]	
	. . . . . { L.C.L. 4th class rates]	

From stations on the Dominion Atlantic Railway one and one-half cents to be deducted account of water haul.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56282

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 11th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in Supplement No. 2 to Tariff C.T.C. No. E-4817, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 2 to Tariff C.T.C. No. E-4817, approved herein, are as follows, namely:—

To	Cents per 100 pounds
Fredericton, N.B.	15
St. Andrews, N.B.	15½
St. Stephen, N.B.	15½
South Devon, N.B.	15

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56284

In the matter of the application of the Canadian National Railways, under Section 348 of the Railway Act, for approval of a special contract for release of liability in connection with the transportation of ore in less than carload lots, as described in the Canadian Freight Classification, when purchased by a provincial Government directly from the claim owners and transported directly from the claim owners to a provincial ore-sampling plant at less than the normal tariff tolls.

File No. 40872.

THURSDAY, the 11th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon reading what is filed in support of the application, and the report and recommendation of the Chief Traffic Officer of the Board—

It is ordered: That the said special contract for release of liability in connection with the transportation of ore in less than carload lots, as described in the Canadian Freight Classification, when purchased by a provincial Government directly from the claim owners and transported directly from the claim owners to a provincial ore-sampling plant at less than the normal tariff tolls, on file with the Board under file No. 40872, be, and it is hereby, approved.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56289

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13.

FRIDAY, the 12th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 53 and 140 of Supplement No. 4 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 53 and 140 of Supplement No. 4 to Tariff C.T.C. No. 1063, approved herein, are as follows:—

Item	Cents per 100 pounds
53.	13½
140.	5

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56292

In the matter of the application of the Canadian National Railways, under Section 348 of the Railway Act, for approval of form of Air Express Money Receipt and Air Express Merchandise Receipt, on file with the Board.

Case No. 210.2.

FRIDAY, the 12th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Chief Traffic Officer of the Board—

It is Ordered: That the said forms of Air Express Money Receipt and Air Express Merchandise Receipt of the Canadian National Railways, attached hereto marked "A" and "B" respectively, be, and they are hereby, approved.

S. J. McLEAN,
Assistant Chief Commissioner.

AIR EXPRESS MONEY RECEIPT

Approved by the Board of Transport Commissioners for Canada

READ THIS RECEIPT.

NOT NEGOTIABLE

CANADIAN NATIONAL RAILWAY COMPANY

EXPRESS DEPARTMENT

\$ Office at Province of
Time M. Date 19

RECEIVED of (herein called the shipper)
. sealed and said to contain
Valued at
Addressed

To be handled in Air Service from To

WHICH THE CANADIAN NATIONAL RAILWAY COMPANY—EXPRESS DEPARTMENT—
HEREIN CALLED THE "COMPANY," AGREES TO CARRY AND DELIVER, UPON THE
TERMS AND CONDITIONS HEREIN BELOW STATED, TO WHICH THE SHIPPER HEREBY
AGREES, AND AS EVIDENCE OF SUCH AGREEMENT, ACCEPTS THIS RECEIPT.

1. The word "company" shall include any connecting express company subject to the Railway Act.

2. This agreement is issued subject to the Classification authorized by the Board of Transport Commissioners for Canada, and all the clauses of said classification not inconsistent with this agreement are incorporated herewith.

3. This agreement shall extend to and be binding upon the shipper and all persons in privity with him, claiming or asserting any right to the ownership or possession of the shipment, and shall inure to the benefit of any person or company to whom the shipment may be delivered for the performance of any act or duty in respect thereof, or in whose custody or charge the same may lawfully be, or on whose vehicles, vessels, or aircraft the same is being carried under this agreement, and shall apply to any re-consignment or return thereof.

4. The Company shall not be liable—

- (a) For loss or damage occurring after twenty-four hours (exclusive of legal holidays) after notice of the arrival of the shipment at destination has been mailed to the above address of the consignee, unless such loss or damage is caused by the negligence of the Company.
- (b) For any loss, damage, or delay caused by the act of God, the King's or public enemies, the authority of the law, quarantine, riots, strikes, perils of water and/or air navigation, or the act or default of the shipper or owner, or from conditions beyond its control.
- (c) for any loss or damage occurring in Customs Warehouse.
- (d) For any loss, or damage, or delay resulting from improper or insufficient packing, securing, or addressing.
- (e) For a greater sum than that above stated, or in any event beyond the actual value of the shipment at the time of the receipt thereof by the company, including the express and other charges, if paid, and the duty if payable, or paid and not refunded.
- (f) For loss or damage from delays beyond its control or caused by the refusal of any railway, steamboat, stage, air, or other transportation line to receive or forward the said property owing to any unusual or unforeseen movement of or interference with traffic.
- (g) For any damage, loss, or shortage, unless written notice thereof is given at an office of the Company within two months from delivery or from the time delivery should, in the ordinary course of transit, have been made.

5. If no express company subject to the Railway Act has an office at the point of destination, then the Company only agrees to carry the shipment to its office, or to that of some other express company subject to the said Act, most convenient for furtherance to destination, and upon arrival there the Company may notify the consignee or other proper person, or upon direction of the shipper, will, or upon its own discretion may deliver the shipment to any connecting carrier for furtherance to destination. In the latter event, if such carrier is not subject to the Railway Act, the company shall act as the agent of the shipper in effecting such delivery, and the liability of the Company shall thereupon cease.

6. The Company reserves the right to call upon the consignee to take delivery of the shipment at its office at destination.

7. Duty and Customs House expenses are guaranteed by the shipper.
For the Company.

.....Agent.

READ TERMS AND CONDITIONS ON BACK.

AIR EXPRESS MERCHANDISE RECEIPT

Approved by the Board of Transport Commissioners for Canada

LIABILITY LIMITED to \$50 unless higher value is declared by shipper and inserted herein, in which case an extra charge is made depending upon value declared.

No extra charge if value declared under \$50.

The Post Office Act gives the Postmaster General the exclusive right of conveyance of letters within Canada. This includes circulars, etc., enclosed in envelopes, sealed, or ready to be sealed at the point of destination.

Heavy Penalties are imposed for violation of the Act.

The Company does not accept for transportation packages containing such letters or circulars.

When remitting, purchase Canadian National Express Money Orders and Foreign Cheques payable everywhere.

Prompt refund made if lost, stolen, or delayed in the mails. When travelling, carry Travellers cheques, issued by Canadian National Express.

CANADIAN NATIONAL RAILWAY COMPANY—EXPRESS DEPARTMENT

NOT NEGOTIABLE.

Office at. Province of.
 Time. M. Date. 19.
 Received of. (herein called the Shipper)
 said to contain.
 valued at. dollars
 addressed.

To be handled in Air Service from.
 To. which the Canadian National Railway
 Company—Express Department—herein called the “Company,” agrees to carry
 and deliver upon the terms and conditions on the back hereof, to which the shipper
 hereby agrees, and, as evidence of such agreement, accepts this shipping receipt.

This Agreement is issued subject to the
 Classification authorized by the Board of
 Transport Commissioners for Canada, and all
 the clauses of said classification, not incon-
 sistent with this Agreement, are incorporated
 herewith.

For the Company,

.
Agent.

TERMS AND CONDITIONS

Back End.

1. The word “Company” shall include any connecting express company
 subject to the Railway Act.

2. This agreement shall extend to and be binding upon the shipper and all
 persons in privity with him, claiming or asserting any right to the ownership or
 possession of the shipment, and shall inure to the benefit of any person or com-
 pany to whom the shipment may be delivered for the performance of any act or
 duty in respect thereof, or in whose custody or charge the same may lawfully be,
 or on whose vehicles, vessels, or aircraft the same is being carried under this
 agreement, and shall apply to any reconsignment or return thereof.

3. The liability of the Company upon any shipment is limited to the value
 declared by the shipper and embodied herein, or, if less, to the actual value of
 the shipment at the time of the receipt thereof by the Company, including the
 express and other charges, if paid, and the duty, if payable or paid and not
 refunded. If the shipper does not declare the value of the shipment, liability is
 limited to fifty dollars, or, if less, to the actual value of the shipment. If the
 shipper desires the Company to assume liability in excess of fifty dollars, an
 additional charge will be made, as provided by the classification and/or tariff.

4. Money, specie, completely signed and executed bonds, coupons, bank
 notes, and negotiable paper, or incompletely executed legal tender and bank
 notes, jewellery and precious stones shall not be packed, or included, with ship-
 ments of ordinary freight, and if so packed the Company shall not be liable for
 loss of, or damage to, such goods.

5. The Company shall not be liable—

(a) For differences in weight or quantity caused by shrinkage, leakage, or
 evaporation; or

(b) For loss or damage occurring after forty-eight hours (exclusive of legal
 holidays) after notice of the arrival of the shipment at destination, or
 at point of delivery, has been mailed to the address of the consignee;

Unless, in either case, such loss or damage is caused by the
 negligence of the Company;

(c) For any loss, damage, or delay caused by the Act of God, the King's
 or public enemies, the authority of the law, quarantine, riots, strikes,
 perils of water and/or air navigation, defect or inherent vice, or the
 act or default of the shipper or owner;

- (d) For any loss or damage caused by delay, or by injury to, or loss or destruction of the shipment, or any part thereof, from conditions beyond the control of the Company, unless such loss or damage is caused by the negligence of the railway and/or air company upon whose trains or aircraft or property the shipment was at the time such loss or damage occurred;
 - (e) For any loss or damage occurring in Customs Warehouse;
 - (f) For any loss, damage, or delay resulting from improper or insufficient packing, securing, or addressing, or from chafing when packed in bales;
 - (g) For any loss or damage, if the provisions of Clause 4 be violated in whole or in part;
 - (h) For any damage to or loss of any fragile article, or to shipments consisting wholly or in part of or contained in glass, unless so described upon the package containing the same, unless such damage or loss is due to the negligence of the Company, its agents or employees;
 - (i) For loss or damage from delays beyond its control or caused by the refusal of any railway, steamboat, stage, air, or other transportation line to receive or forward the said property owing to any unusual or unforeseen movement of or interference with traffic;
 - (j) For loss or damage in any way arising out of the examination by or partial delivery to the Consignee of C.O.D. shipments;
 - (k) for any loss or damage to shipments of live objects arising from the conduct or acts of such objects to themselves or to each other, or arising from the condition of such objects when received for shipment, or from their nature or propensities, or for delay, injury to or loss of such object, unless such delay, injury, or loss is caused by the negligence of the Company;
 - (l) For any damage, partial loss, or shortage, unless written notice thereof is given at any office of the Company within thirty days from delivery;
 - (m) For any loss or damage occurring to shipments addressed to stations where there is no agent of the Company after such shipments have been left at such station;
 - (n) For non-delivery or loss or destruction of the shipment in Canada, unless written notice thereof is given at any office of the Company within four months from the time, delivery should, in the ordinary course of transit, have been made.
6. Duty and Customs House expenses are guaranteed by the shipper.
7. (a) At points where the Company has delivery services, tender of the shipment for delivery to the consignee will be made at the address given, if within such delivery limits.
- (b) Where there is no delivery service, the Company will forthwith notify the consignee, at the address given, of the arrival of the shipment.
- (c) The Company's liability to deliver to addresses outside delivery limits shall be governed by the classification or special tariffs.
- (d) If no express company subject to the Railway Act has an office at the place to which the shipment is addressed, then, unless otherwise routed, the Company only agrees to carry the same to its office, or that of some other express company subject to the said Act, most convenient for furtherance to destination, and upon arrival there, the Company may so notify the consignee, or, upon direction of the shipper or consignee, will, or upon its own discretion may, deliver the shipment to any connecting carrier for furtherance to destination.
- (e) If the shipment is delivered to an express company or carrier not subject to the Railway Act, the Company shall act as the agent of the shipper in effecting such delivery, and contracting for further transportation, and the liability of the Company shall thereupon cease

8. If any sum of money, other than the charges for transportation, is to be collected from the consignee upon the delivery of the shipment, and the same is not paid within thirty days, the Company may return the same and collect the charges for transportation both ways, and the liability of the Company shall be that of warehousemen only while the shipment remains in its possession for the purpose of making such collection.

ORDER NO. 56298

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2.

TUESDAY, the 16th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 40 to Tariff C.T.C. No. E-1504

Supplement 51 to Tariff C.T.C. No. E-1974

Supplement 11 to Tariff C.T.C. No. E-2629

Supplement 8 to Tariff C.T.C. No. E-2762

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56300

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13.

TUESDAY, the 16th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in item 466 of Supplement No. 27 to Tariff C.T.C. No. 1006 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 466 of Supplement No. 27 to Tariff C.T.C. No. 1006, approved herein, are the 2nd class rates covered by previous order or orders of the Board.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56302

In the matter of the application of the Canadian National Railways, under Section 348 of the Railway Act, for approval of the French translation of forms of contract restricting the Company's liability in respect of the carriage of traffic mentioned therein, which forms are to be used on the Company's lines within the limits of the Province of Quebec.

File No. 16749.32.

THURSDAY, the 18th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Whereas the Board has approved forms of contract (in English) as follows, namely:—

- (a) Release covering the carriage of household goods: Furniture and Settlers' Effects (all second hand), General Order No. 551, dated March 17, 1935.
- (b) Release covering transportation of clothing, wearing apparel, and personal effects (all second hand), in trunks, securely corded—General Order No. 563, dated 13th May, 1937.
- (c) Release for freight shipped to flag stations—General Order No. 27, dated February 8, 1909.
- (d) Order Bill of Lading—General Order No. 41, dated July 15, 1909.
- (e) Straight Bill of Lading—General Order No. 41, dated July 15, 1909; and
- (f) Live Stock Contract—General Order No. 298, dated June 2, 1920.

And whereas the French translation of the foregoing Forms of Contract submitted by the Canadian National Railways conforms with the conditions approved by the said Orders of the Board—

It is Ordered: That the French translation of the above mentioned forms of contract restricting the Canadian National Railways' liability in respect of the carriage of traffic mentioned therein, which forms are to be used on the Company's lines within the limits of the Province of Quebec, on file with the Board under file No. 16749.32, be, and it is hereby, approved.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER NO. 56303

In the matter of the application of the Canadian Pacific Railway Company, under Section 348 of the Railway Act, for approval of the French translation of forms of contract restricting the Company's liability in respect of the carriage of the traffic mentioned therein, and which forms are to be used on the Company's lines within the limits of the Province of Quebec.

File No. 16749.27.

THURSDAY, the 18th Day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Whereas the Board has approved forms of contract (in English) as follows, namely:—

- (a) Order of bill of lading (original, shipping order, and memorandum)—General Order No. 41, dated July 15, 1909.
- (b) Straight bill of lading (original, shipping order, and memorandum)—General Order No. 41, dated July 15, 1909.
- (c) Live Stock special contract (original and shipping order—General Order No. 298, dated June 2, 1920.
- (d) Release of responsibility for freight shipped to flag stations—General Order No. 27, dated February 8, 1909.
- (e) Release form for household goods, furniture, and settlers' effects—General Order No. 551, dated March 17, 1936.
- (f) Release form for wearing apparel and personal effects in trunks—General Order No. 563, dated May 13, 1937.

And whereas the French translation of the foregoing forms of contract submitted by the Canadian Pacific Railway Company conforms with the conditions approved by the said Orders of the Board—

It is Ordered: That the French translation of the above mentioned forms of contract restricting the Canadian Pacific Railway Company's liability in respect of the carriage of the traffic mentioned therein, and which forms are to be used on the Company's lines within the limits of the Province of Quebec, on file with the Board under file No. 16749.27, be, and it is hereby, approved.

S. J. McLEAN,
Assistant Chief Commissioner.

GENERAL ORDER No. 576

In the matter of regulations for the inspection and testing of air reservoirs other than on locomotives.

File No. 23189.1

MONDAY, the 8th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

In pursuance of the powers conferred upon the Board under Sections 287 and 298 of the Railway Act, and of all other powers possessed by the Board in that behalf; and upon reading the submissions filed by the Railway Association of Canada and the report and recommendation of the Chief Operating Officer of the Board,—

It is ordered: That the railway companies subject to the jurisdiction of the Board adopt and put into force at once the regulations for inspection and testing of all air reservoirs, other than on locomotives, used for stationary or portable purposes, inclusive of reservoirs for all types of work equipment in excess of five cubic feet capacity, attached hereto marked "A."

S. J. McLEAN,
Assistant Chief Commissioner.

THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

OPERATING DEPARTMENT

"A"

REGULATIONS FOR THE INSPECTION AND TESTING OF AIR RESERVOIRS OTHER THAN ON LOCOMOTIVES

Prescribed by General Order No. 576

1. *Design*.—All reservoirs before purchase or fabrication must be submitted to the Chief Mechanical officer of the railway company for approval of design, materials, and maximum working pressure. An approved copy of specification card for new reservoirs showing the reservoir serial number, the maximum working pressure, the factor of safety, and a record of design shall be filed with the Chief Operating Officer of the Board within one month after the reservoir is placed in service.

2. *Identification*.—A serial number and the authorized working pressure as assigned by the Chief Mechanical Officer of the railway company must be plainly stamped in figures not less than $\frac{3}{8}$ inch high on the reservoir or on a metal plate, and the metal plate fastened to the reservoir in a conspicuous location.

3. *Pressure Gauge*.—Each air pressure system must be equipped with a pressure gauge graduated to at least 50 per cent above the authorized working pressure.

4. *Safety Valves*.—(a) *Capacity*. All air pressure systems must carry a safety valve or valves of approved design in an approved location and of the capacity specified to suit conditions of the individual service.

(b) *Adjustment*.—Safety valves shall be set at a pressure not to exceed 6 pounds above the authorized working pressure.

5. *Inspection*.—Inspection of each reservoir must be made annually by an authorized inspector of the railway company.

6. *Hydrostatic Test*.—Every air reservoir, before being placed in service, and at least once each twelve months thereafter, must be hydrostatically tested to a pressure at least 25 per cent greater than the authorized working pressure. Hot water should be used where practicable.

7. *Hammer Test*.—The entire surface of the reservoir shall be hammer-tested before each hydrostatic test with reservoir under atmospheric pressure.

8. *Cleaning and Inspecting*.—All air reservoirs must be thoroughly cleaned by washing out at each hydrostatic test, so as to remove all foreign matter, and then closely examined for corrosion and pitting.

9. *Drain Valve and Piping*.—Every air reservoir must be provided with an adequate drain valve or cock connected to the lowest part of the reservoir.

10. *Setting*.—Reservoirs must be set up on supports, so that bottom of reservoir is clear of ground and there is ample space for drain valve or cock.

11. *Report of Inspections*.—All inspections and tests must be reported on authorized forms, to be filed with the designated Mechanical Officer of the railway company, and a copy sent to the Chief Operating Officer of the Board within fifteen days after such tests or inspections are made. In addition, the date of annual hydrostatic test must be stencilled in not less than one-inch figures in a prominent location on each reservoir.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS, JUNE, 1938

Railway accidents..	99 with 12 killed and 114 injured
Railway accidents at highway crossings.. . . .	15 with 6 killed and 16 injured
	Killed Injured
Passengers..	— 32
Employees..	1 65
Others..	17 33
	<hr/> 18 130

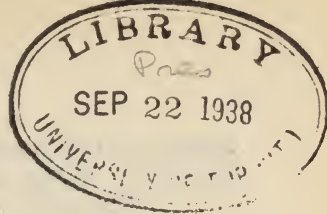
DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents	K.	I.	NEW BRUNSWICK
1	—	2	Auto Truck—Auto truck drove onto crossing in front of approaching train and was struck. Licence N.B.X-1269.
			QUEBEC
1	1	—	Pedestrian—Pedestrian attempted to retrieve hat which was blown onto track in front of approaching train.
			ONTARIO
1	—	1	Automobile—Auto driver failed to heed automatic protection signals; struck by train. Licence Ont. 2-K-4.
1	1	—	Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence Ont. 804-Y-1.
1	—	1	Pedestrian—Pedestrian walked onto crossing in front of approaching train and was struck.
1	1	—	Pedestrian—Pedestrian, with attention riveted on one train, failed to notice approach of another train at crossing, and was run over.
1	—	2	Automobile—Auto driver, learning to drive without driver's permit, drove onto crossing in front of approaching train and was struck. Licence Ont. 12-T-77.
1	—	1	Automobile—Automobile ran into side of train. Licence Ont. 678-F-2.
1	—	1	Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence Ont. 334-E-8.
			MANITOBA
1	2	—	Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence Man. 57-261.
			SASKATCHEWAN
1	1	—	Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence Sask. 43-527.
			BRITISH COLUMBIA
1	—	3	Auto Truck—Truck driver failed to exercise precaution; drove onto crossing in front of approaching train and was struck. Licence B.C. CE-871.
1	—	2	Automobile—Section Foreman, in charge of motor car, failed to comply with regulations, before passing over crossing. Automobile struck track motor car.
1	—	1	Auto Truck—Gasoline truck which had stopped at crossing to allow freight train to pass, drove onto crossing in front of train, coming in opposite direction, and was struck. Licence B.C. C-2203.
1	—	2	Automobile—Auto driver attempted to beat train over crossing; auto was struck. Licence B.C. 86883.

Of the 15 Accidents at Highway Crossings, 12 occurred at Unprotected Crossings and 3 at Protected Crossings.

Twelve of the Accidents occurred after Sunrise, and three after Sunset.

August 8, 1938.



The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 13

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In the matter of the application of the city of Fort William, The Manitoba Pool Elevators Limited, Canadian Consolidated Grain Company Limited, Ogilvie Flour Mills Company Limited and The Fort William Elevator Company Limited for re-consideration of interswitching rights at Fort William and Port Arthur.

File No. 6713-196

JUDGMENT

STONEMAN, COMMISSIONER:

What is here involved has been heard and decided twice. 40 C.R.C. p. 251; 46 C.R.C. p. 125. The matter was spoken to at sittings of the Board in Fort William on August 10, 1938, and the parties were advised that, if there were new facts, to submit them in writing and the Board would then decide whether the new facts justified a rehearing. The Board's position with respect to reconsideration of applications in which judgment has been given has been repeatedly stated.

"The Board will not reconsider its former decision unless doubt has arisen in the minds of the Board as to the correctness of the first conclusion by reason of new matter advanced on an application to reopen or otherwise as to the soundness of the first conclusion, or when new evidence on a material issue can be presented.

"(See American Coal and Coke Company v. Michigan Central Railway Company C.R.C. Vol. 21, p. 15.)"

A careful check of the submissions filed does not reveal any new evidence on a material issue and I suggest, therefore, that the applicants be written in the following terms:—

"That a careful check of their submissions does not reveal any new evidence on a material issue and the application is, therefore, denied. The Board, however, feels disposed in this case to expedite any appeal the applicants may care to make, either to the Governor-in-Council or to the Supreme Court of Canada."

OTTAWA,
August 18, 1938.

STONE, COMMISSIONER:

"After careful perusal of this file, of the submissions made in connection with previous applications and the Judgments that have issued in regard to the complaints of those who are compelled to pay the regular interswitching charges as prescribed by the Board's General Order No. 252, of date October 26, 1918, I am of the opinion that the application should be dismissed and the applicants advised as outlined in the last paragraph of Mr. Commissioner Stoneman's memorandum of August 18, 1938."

OTTAWA,

August 23, 1938.

MCLEAN, ASSISTANT CHIEF COMMISSIONER:

"I agree in the disposition recommended."

OTTAWA,

August 23, 1938.

Complaint of the city of Fort William et al against the toll or charge for the movement of traffic to or from the complainants' elevators, there being no toll or charge from elevators similarly circumstanced in respect of traffic of the same description.

File No. 6713.196

GARCEAU, Deputy Chief Commissioner:—

(Dissenting)

The complaints made by the city of Fort William, the Manitoba Pool Elevators, Ltd., the Canadian Consolidated Grain Co. Ltd., the Ogilvie Flour Mills Co. Ltd., even though their wording is misleading, are new applications.

These parties are entitled to be heard, even though their case is similar and seems to rest on the same grounds as the applications of the Fort William Elevator Company which were dismissed by the Board in 1932 and 1936.

It is their absolute right, as "interested" parties, to be heard by the Board, a "tribunal with full jurisdiction to inquire into, hear and determine any application by or on behalf of any interested party."

The judgments dismissing the applications of the Fort William Elevator Company cannot have the authority of a final judgment against them. They were not parties to those applications.

It is an accepted principle of law that the rights of any party or person cannot be affected by a judgment rendered in a case where he was not a party duly called or assigned. That principle is thus expressed in section 1241 of the Civil Code of Quebec:—

"The authority of a final judgment (*res judicata*) is a presumption *juris et de jure*; it applies only to that which has been the object of the judgment, and when the demand is founded on the same cause, is *between the same parties acting in the same qualities*, and is for the same thing as in the action adjudged upon."

Moreover, the city of Fort William's complaint was before the Board when the Board was requested by a wire from the Minister of Transport, on the 5th August, to hear the representations of the city of Fort William and interested elevators.

The application of the city of Fort William, being a new application, the Board, under section 36, is directed to grant the request of the Minister of Transport.

Section 36 of the Railway Act reads:—

“The Board may, of its own motion, or *shall*, upon the request of the Minister, inquire into, hear and determine any matter or thing which, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have the same powers as, upon any application or complaint, are vested in it by this Act.”

I was misled by the wording of the applications, in my previous decision, and a careful study of the file compels me to revise this decision.

For the reasons above stated and for those I shall give later, I would grant a hearing to the city of Fort William, the Manitoba Pool Elevators, the Canadian Consolidated Grain Co., and the Ogilvie Flour Mills, Ltd.

As to the Fort William Elevator Company, I am of the opinion that its application for a re-hearing ought to be granted.

The judgment rendered by the Board in 1936 was the confirmation, on the same grounds, of the judgment rendered in 1932. I quote (40 C.R.C., p. 257 (1932)) :—

“Under this agreement, a provision was made for adjusting the cost of service as between the respective railways, but no charge was to be made against the trade.

In my view, the only ground upon which the applicants can found any claim of unjust discrimination is upon the fact that under this agreement the industries on both the Mission property and Islands Nos. 1 and 2 receive free switching service. The application is really directed against the Canadian Pacific Railway Company, and the applicants say in effect—*you deliver cars on which the Canadian National Railways have the road haul from the interchange to the Two Islands without any charge, but on all such cars delivered from the same interchange to our elevator you charge regular switching charges.* This undoubtedly creates a preference or advantage to the industries on the islands as against the applicants' industry, but is it an undue or unreasonable preference or advantage? Section 316 (3) of the Railway Act provides that no company shall—

- (a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever . . .
- (c) subject any particular person, or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.”

In 46 C.R.C., p. 127 (1936), the Assistant Chief Commissioner says:—

“Continuing, the report says that under this agreement a provision was made for adjusting the cost of service as between the respective railways, but no charge was to be made against the trade.

The Chief Commissioner then deals with the scope of unjust discrimination, and sets out his conclusions as follows:

““In my view, the only ground upon which the applicants can found any claim of unjust discrimination . . . etc.””

These quotations show the identical grounds on which both judgments were rendered and that the complaint was not because there was discrimination in

service, but in tolls. The elevators on the two islands had this service (switching), without charge, but the applicant paid for that same service.

I claim, although the wording of the applications might be misleading, that the gist of them is a complaint against the inequality of charges or tolls which must be dealt with under the dispositions of section 314 of the Railway Act and not under those of section 316, when "*facilities for the receiving, forwarding and delivering of traffic, are concerned.*"

I do not believe that the wording of the application can prevent the Board from dealing with the existing facts and conditions.

Section 46 of the Railway Act gives full power to the Board to do so, as follows:—

"Upon any application made to the Board, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief."

The Board must consider the application as an application complaining against the toll or charge made for the movement of traffic to or from the applicants' elevators, there being no toll or charge to or from elevators similarly circumstanced in respect of traffic of the same description, etc. It being a question of toll or of charges, as affirmed by Honourable Mr. Fullerton and repeated by the Assistant Chief Commissioner in his later judgment in 1936, viz:—

"... and the applicants say in effect—you deliver cars on which the Canadian National Railways have the road haul from the interchange to the Two Islands *without any charge*, but on all such cars delivered from the same interchange to our elevator you charge *regular switching charges.*"

This shows that the real complaint was against the toll or charge, not in respect of the service. That being so, section 314 applies and the application should have been considered and decided under that section and not under section 316, as was the case in both judgments.

When section 314 applies, the finding of facts by the Board, under section 317, is limited to whether or not traffic is or has been carried under *substantially similar circumstances and conditions*, for section 314 directs equality of treatment in substantially similar circumstances.

The decision as to whether or not there is unjust discrimination is left to the Board, under that section, only between different localities. Subsection 4 says:—

"No toll shall be charged which unjustly discriminates between different localities."

But, in this instance, the elevators not only are in the same terminal area but in the same locality, the city of Fort William.

Any preference, according to section 314-(1) is prohibited. The judgments of 1932 and 1936 say:—

"This, undoubtedly, creates a preference or advantage to the industries on the islands as against the applicants' industries."

This preference, as aforesaid, is against the dispositions of section 314.

Moreover, even if section 316 applied, when the judgments of 1932 and 1936 say: "I hold as a matter of fact that there is no unjust discrimination . . . " on what ground do they rely? They mention none. This finding is against the decisions of the Board as to what constitutes an unjust discrimination.

The Board has authority to revise this finding according to its previous rulings on the same question in the following cases:—

17 C.R.C., p. 123 (Western Freight Rates Case):

"I know of no case where the exact question has been determined, but am of the opinion that having regard to the admitted object for which the section must have been enacted, that is to secure, as far as practicable, equality of treatment, that any practice the direct result of which would be to favour one shipper as against another, would constitute an undue and unreasonable preference or advantage, and be within the meaning of the Act."

11 C.R.C., p. 370 (at p. 375), city of Toronto and town of Brampton v. Grand Trunk and C.P.R. Ry. Cos.:

"I do not understand that there is anything wrong or evil in discrimination as long as it does not hurt anybody. The evil of it, as I understand it, is that because persons or localities are discriminated against it results in *unfair play and injury* to the individuals or to the localities affected. In the absence of any injury to individuals or localities, what difference does it make whether there is discrimination?"

Injury has been proven in this case.

29 C.R.C., p. 207, Calgary Live Stock Exchange et al v. Canadian National Railways and Canadian Pacific Railway Co. (at p. 227):

"It has been said over and over again in the decisions of the Board, as well as in the decisions of other regulative tribunals that the criteria of unjust discrimination are not to be found in abstract conditions. Unjust discrimination is not concerned with mere comparisons of mileage. It is concerned with the very tangible and concrete question, is *there competition* between the article which has a higher rate charge and the article which has a lower rate charge? If two articles of the same or identical nature are subjected to *different rate treatment*, then the rate is one factor which may render it difficult for the individual with the different rate or practice to do business in a common market; that is, the very material question is—*Is there actual competition in the same market between the parties affected?*"

9 C.R.C., p. 502, Grand Trunk Ry. Co. v. Christie, Henderson & Co.:

"Held, that under section 315-(4) of the Railway Act (now section 314-(4)) it is required that all competitive industries should be treated alike.

"Held, that the railway company were not entitled to make an extra charge for switching services."

37 C.R.C., p. 134, Estabrooks, Ltd., v. Canadian Freight Association:—

"... held, (1) That one criterion of unjust discrimination is whether the district in whose favour discrimination is alleged has profited at the expense of the locality against which it is alleged the discrimination has taken place."

These last two quotations apply more specifically to the application of the city of Fort William.

For the reasons above set out, would hear the new applications and grant a re-hearing to the Fort William Elevator Company.

OTTAWA, August 25, 1938.

ORDER No. 56343

In the matter of the application of the City of Fort William, in the Province of Ontario, the Manitoba Pool Elevators, Limited, Canadian Consolidated Grain Company, Limited, Ogilvie Flour Mills Company, Limited, and the Fort William Elevator Company, Limited, for reconsideration of inter-switching rights at Fort William and Port Arthur, Ontario.

File No. 6713.196

SATURDAY, the 27th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

The application having been spoken to at the sittings of the Board held at Fort William, Ontario, August 10, 1938, on behalf of the City of Fort William, the Manitoba Pool Elevators, Limited, and the Canadian National Railways; and upon reading the submissions filed,—

It is ordered: That the application be, and it is hereby, refused.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56304

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

TUESDAY, the 16th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.T.C. No. 1081, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1081, approved herein, are as follows:—

From	Cents Per Barrel		
	A	B	C
Bear River, N.S.	50	50	50
Annapolis Royal, N.S.	50	50	50
Bridgetown, N.S.	50	50	50
Middleton, N.S.	43½	43	42½
Kingston, N.S.	42	41½	42½
Berwick, N.S.	36½	35½	35½
Weston, N.S.	37	37	36½
Kingsport, N.S.	36½	35½	35½
Kentville, N.S.	31½	32	32
Port Williams, N.S.	30½	29½	29
Horton Landing, N.S.	29	29	28
Hantsport, N.S.	26	26	27½
Hartville, N.S.	25	25	25

A—Apples, in packages, except hampers, and carrots.

B—Apples in hampers, and pears.

C—Potatoes.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56321

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

SATURDAY, the 20th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1084, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1084, approved herein, are as prescribed in the Order of the Board No. 55038, dated October 10, 1937.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56329

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 22nd day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 44 to Tariff C.T.C. No. E-1689.

Supplement 52 to Tariff C.T.C. No. E-1911.

Supplement 52 to Tariff C.T.C. No. E-1974.

Supplement 23 to Tariff C.T.C. No. E-2526.

Supplement 12 to Tariff C.T.C. No. E-2629.

Supplement 9 to Tariff C.T.C. No. E-2762.

Tariff C.T.C. No. E-2834.

Tariff C.T.C. No. E-2835.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56332

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 24th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 90-B of Supplement No. 6 to Tariff C.T.C. No. 1063, from Somerset, Nova Scotia, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item No. 90B of Supplement No. 6 to Tariff C.T.C. No. 1063 from Somerset, Nova Scotia, approved herein, is 7½ cents per 100 pounds.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56346

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

SATURDAY, the 27th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1085, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act be, and they are hereby approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1085, approved herein, are as prescribed in the Order of the Board No. 56304, dated August 16, 1938.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56356

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 29th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement No. 46 to Tariff C.T.C. No. E-1906.

Supplement No. 13 to Tariff C.T.C. No. E-2629.

Supplement No. 1 to Tariff C.T.C. No. E-2803.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56344.

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for permission to advance, on less than statutory notice, the effective date of rate applying on bituminous coal from Quebec, Que., to Berlin, N.H.

File No. 27612.188

TUESDAY, the 30th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

WHEREAS the applicants published in item 90 of Supplement 5 to their Tariff C.T.C. No. E-2694 at a rate of 210 cents per ton of 2,000 pounds on bituminous coal from Quebec, Que., to Berlin, N.H., which expires on August 31, 1938, and re-established the same rate by item 90-A in Supplement 6 to the said tariff, effective September 27, 1938, and expiring November 30, 1938.

AND WHEREAS it is stated in the application that it now develops that there is still considerable coal awaiting shipment and, in order to permit continuous movement, it is desired to advance to September 1, 1938, the effective date of September 27, 1938, authority to do so having been received from the Interstate Commerce Commission;

It is ordered: That the applicants be, and they are hereby, granted leave to file on one day's notice a supplement to their Tariff C.T.C. No. E-2694 to provide for continuance of the present rate on bituminous coal from Quebec, Que., to Berlin, N.H., effective September 1, 1938.

S. J. McLEAN,

Assistant Chief Commissioner.

SUMMARY OF ORDERS ISSUED BY THE BOARD

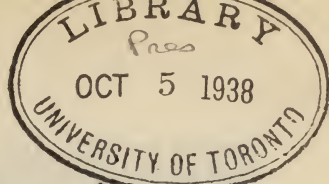
- 56243. Aug. 2—Extending time within which trackage may be constructed by the C.P.R. as required by Orders Nos. 54021 and 55044.
- 56244. Aug. 2—Relieving the C.P.R. from maintaining a signalman at certain hours at crossing of the C.P.R. by the C.N.R. at Woodstock, Ont.
- 56245. Aug. 3—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56246. Aug. 3—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the C.N.R. under Sec. 3.
- 56247. Aug. 3—Approving under Maritime Freight Rates Act, toll published in tariff filed by the Fredericton & Grand Lake Coal & Railway Co. under Sec. 9.
- 56248. Aug. 3—Directing that certain rates as set out be published on red top products used as animal feed from Calgary to Eastern Canadian points.
- 56249. Aug. 2—Refusing application of Town of Weston, Ont., for an order rescinding approval of tariff schedules of the Bell Telephone Co. covering changes in regulations and charges governing foreign exchange service, etc.
- 56250. Aug. 3—Declaring the C.N.R. crossing at mileage 33·16 Burford Subdv. protected to Board's satisfaction.
- 56251. Aug. 3—Authorizing the C.P.R. to remove station agent at Red Rock, Ont.
- 56252. Aug. 3—Approving location of tank, etc., to be erected at Nipawin, Sask., by North Star Oil, Ltd., adjacent to C.P.R.
- 56253. Aug. 4—Approving under Maritime Freight Rates Act, toll published in tariff filed by the Canada & Gulf Terminal Railway Co. under Sec. 9.
- 56254. Aug. 3—Relieving C.P.R. from maintaining cattle guards at certain crossings in Parish of St. Janvier, Que.
- 56255. Aug. 3—Authorizing C.P.R. to operate over Toronto Harbour Comm'rs spur on Marginal Way west of Cherry Street, Toronto.
- 56256. Aug. 5—Declaring C.N.Rys crossing of Irishtown Town Road, Sunny Brae, N.B., protected to Board's satisfaction.
- 56257. Aug. 4—Relieving C.P.R. from maintaining cattle guards at 15 crossings on its Owen Sound Subd'n, Ont.
- 56258. Aug. 4—Authorizing C.N.Rys to construct spur to serve Dominion Fruit Ltd., across 103rd Street, Edmonton, Alta.
- 56259. Aug. 5—Authorizing C.N.Rys to construct siding to serve Price Bros. & Co., Ltd., across St. Germain Street, Rimouski, Que.
- 56260. Aug. 6—Declaring C.N.Rys crossing near Victoria, B.C., (Leach Road) protected to Board's satisfaction.
- 56261. Aug. 6—Authorizing C.P.R. to close crossing on north and south road allowance between NE $\frac{1}{4}$ Sec. 20 and NW $\frac{1}{4}$ Sec. 21-47-24 W4M., Alta.
- 56262. Aug. 6—Declaring C.N.Rys crossing of McKeand Street, Ingersoll, Ont., protected to Board's satisfaction. Cars to be kept back a distance of 150 feet on each side of crossing.
- 56263. Aug. 6—Approving agreement between Bell Telephone Co., and Perth & Christie's Lake Telephone Co., Ltd.
- 56264. Aug. 6—Approving revised Appendix "A" to agreement between Bell Tel. Co., and Stanislaus Lussier.
- 56265. Aug. 6—Approving agreement between Bell Tel. Co., and La Compagnie de Téléphone de St. Ephrem de Bagot.
- 56266. Aug. 8—Authorizing C.N.Rys to discontinue Norval, Ont., as a stopping place for all trains and to remove caretaker.
- 56267. Aug. 9—Authorizing C.P.R. to construct spur to serve Great West Coal Co., Ltd., near Rosedale, Alta.
- 56268. Aug. 9—Authorizing B.C. Dep't Public Works to construct crossing over C.N.Rys at mileage 67·695 north of Victoria, B.C.
- 56269. Aug. 8—Directing C.N.Rys to install automatic bell and wigwag at crossing east of Mahone Bay, N.S.
- 56270. Aug. 8—Directing C.N.Rys to install automatic bell and wigwag at crossing of Trunk Highway No. 3 east of Barrington Stn, N.S.

- 56271. Aug. 8—Directing C.N.Rys to install automatic bell and wigwag crossing of Trunk Highway No 3 east of Barrington Passage Station, N.S.
- 56272. Aug. 8—Directing C.N.Rys to install bell and wigwag at crossing of Trunk Highway No 3 east of Brooklyn Station, N.S.
- 56273. Aug. 8—Directing C.N.Rys to install bell and wigwag at crossing of Trunk Highway No 3 about 4 miles west of Liverpool Stn, N.S.
- 56274. Aug. 9—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Sec. 3.
- 56275. Aug. 9—Approving service station contract between Bell Tel. Co., and Nickel Co., of Canada, Ltd.
- 56276. Aug. 9—Relieving C.P.R. from maintaining cattle guards at six crossings on its Neptune Subb'n, Sask.
- 56277. Aug. 9—Authorizing B.C. Dep't Public Works to construct crossing over C.N.Rys at mileage 67.14 north of Victoria, B.C.
- 56278. Aug. 9—Recommending to Governor in Council for sanction agreement between C.N.Rys and Bay of Quinte Ry. for joint use with C.P.R. of certain lands and tracks at Tweed, Ont.
- 56279. Aug. 10—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under sec. 9.
- 56280. Aug. 3—Refusing application of Quebec Dep't of Roads for contribution from Railway Grade Crossing Fund in connection with bridge over Quebec Ry. Light & Power Co., at Giffard, Que.
- 56281. Aug. 12—Amending Order 54162, Apl. 10, 1937, to provide that 25 per cent of cost of subway under C.N.Rys at 18th Street, New Toronto, Ont., be paid out of Dep't of Transport Vote No. 629.
- 56282. Aug. 11—Approving under Maritime Freight Rates Act tolls published in tariff filed by C.P.R. under Sec. 9.
- 56283. Aug. 9—Approving revised Appendix "A" to agreement between Bell Tel. Co., and La Cie de Téléphone Rural Ste Angèle de Laval.
- 56284. Aug. 11—Approving C.N.Rys special contract for release of liability in connection with transportation of ore.
- 56285. Aug. 11—Approving proposed changes to interlocking plant at crossing of Harte and Carberry Subb'ns of C.N.Rys near Petrel, Man.
- 56286. Aug. 10—Approving location of storage tank. etc., of North Star Oil Limited adjoining C.P.R. at Croll, Man.
- 56287. Aug. 11—Declaring T.H. & B. Ry crossing of Eagle Avenue, Brantford, Ont., protected to Board's satisfaction.
- 56288. Aug. 10—Approving re-arrangement of interlocking plant at crossing of Pere Marquette Ry. near Blenheim, Ont.
- 56289. Aug. 12—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Sec. 9.
- 56290. Aug. 13—Declaring C.N.Rys crossing, first east of Chipman Station, Alta., protected to Board's satisfaction.
- 56291. Aug. 13—Declaring C.N.Rys crossing just east of Ville St. Pierre Tramway Station, Que., protected to Board's satisfaction.
- 56292. Aug. 12—Approving C.N.Rys forms of Air Express Money Receipt and Air Express Merchandise Receipt.
- 56293. Aug. 13—Authorizing C.P.R. to operate over siding of Toronto Harbour Comm'rs on Marginal Way west of Cherry Street, Toronto, Ont., serving Canada Coal Limited.
- 56294. Aug. 13—Authorizing C.N.Rys to construct extension to siding along Dock Street across lane in Town of Gananoque, Ont., to serve Cow & Gate (Canada) Limited.
- 56295. Aug. 13—Authorizing C.N.Rys to construct overhead bridge just west of present level crossing near Keene Station, Ont.
- 56296. Aug. 15—Approving location of Storage tanks, etc., of J. E. Smith at Coaldale, Alta., (C.P.R.).
- 56297. Aug. 15—Authorizing C.N.Rys to remove bell installed at crossing in SW $\frac{1}{4}$ Sec. 18-12-20 W1M., Man.
- 56298. Aug. 16—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys under Sec. 3.
- 56299. Aug. 16—Declaring the C.P.R. crossing first west of Carlyle, Sask., protected to Board's satisfaction.

- 56300. Aug. 16—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56301. Aug. 15—Requiring the C.N.R. to remove trees on corner of crossing at mileage 21·6 Oyen Subdv., etc.
- 56302. Aug. 18—Approving French translation of certain forms of contract restricting the C.N.R. liability in respect of carriage of traffic.
- 56303. Aug. 18—Approving French translation of certain forms of contract restricting the C.P.R. liability in respect of carriage of traffic.
- 56304. Aug. 16—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56305. Aug. 17—Declaring the C.N.R. crossing at mileage 57·5 Newmarket Subdv., protected to Board's satisfaction.
- 56306. Aug. 17—Approving certain changes to protection at crossing of Scugog St., by the C.P.R. at Bowmanville, Ont.
- 56307. Aug. 15—Requiring the C.P.R. to install double bells and wiwags at crossing of highway just west of Copper Cliff Station, Ont.
- 56308. Aug. 18—Authorizing the City of Vancouver to construct a steel foot bridge over the C.P.R. at Nanaimo St., Vancouver, B.C.
- 56309. Aug. 19—Authorizing the Dept. of Highways for Nova Scotia to construct a diversion of Highway No. 2 and an overhead crossing of C.N.R. in town of Stewiacke, N.S.
- 56310. Aug. 18—Authorizing changes to protection at crossing of the C.N.R. by the N.Y.C. Railroad Co., at Appin, Ont.
- 56311. Aug. 17—Declaring Southbound traffic at crossing of highway by C.N.R. at mileage 32·9 Bala Subdv., protected to Board's satisfaction.
- 56312. Aug. 17—Rescinding Order No. 52754 *re* subway at Ouimet Hill, Que.
- 56313. Aug. 19—Relieving the C.P.R. from maintaining cattle guards at highway crossings at certain mileages Windsor Subdv.
- 56314. Aug. 19—Authorizing the Municipal Corporation of St. Emilien, Que., to construct a highway crossing at grade level over C.N.R. tracks near the station.
- 56315. Aug. 22—Approving agreement between Dept. of National Defence and the C.N.R. relating to transportation service to be supplied between Quebec and Valcartier, Que., for employees working in Arsenal at Valcartier.
- 56316. Aug. 20—Approving supplement to exchange and toll line agreement dated July 11th, 1923, between Bell Telephone Co. and Commissioners for Telephone System of the Municipality of Township of Monck.
- 56317. Aug. 20—Approving traffic agreement between Bell Telephone Co. and Arden & Parham Telephone System.
- 56318. Aug. 20—Approving traffic agreement between Bell Telephone Co. and Redden Telephone Co., Ltd.
- 56319. Aug. 19—Rescinding Order No. 54505 *re* clearance of proposed roof over Dominion Bedding Co. siding at Hochelaga, Que.
- 56320. Aug. 19—Approving proposed location of tank, etc., of North Star Oil & Refining Co., Ltd., at Leader, Sask. (C.P.R.).
- 56321. Aug. 20—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56322. Aug. 19—Authorizing the Municipal Corporation of Town of Montmagny, Que., to construct a footbridge on the C.N.R. bridge over South River at Montmagny, Que.
- 56323. Aug. 20—Declaring the C.P.R. crossing at McKenzie Ave., Revelstoke, B.C., protected to Board's satisfaction.
- 56324. Aug. 22—Declaring the C.N.R. crossing at mileage 12·13 Welland Subdv., protected to Board's satisfaction.
- 56325. Aug. 22—Authorizing the City of Regina, Sask., to reopen the crossing at 20th Avenue, Regina. (C.N.R.).
- 56326. Aug. 22—Authorizing the C.P.R. to operate over subway near Estevan, Sask.
- 56327. Aug. 22—Declaring the C.N.R. crossing at mileage 5 Oak Point Subdv. protected to Board's satisfaction.
- 56328. Aug. 22—Requiring the Vancouver, Victoria & Eastern Railway & Navigation Co. to maintain a speed restriction of thirty miles an hour in operation of its trains over crossing of Brunette St., New Westminster, B.C.
- 56329. Aug. 22—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.

- 56330. Aug. 24—Requiring the C.N.R. to plank certain portion of Bethune St., Peterborough, Ont., etc.
- 56331. Aug. 24—Authorizing the C.P.R. to construct a branch line of railway to serve John Inglis Co., Ltd., Toronto, Ont.
- 56332. Aug. 24—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56333. Aug. 24—Authorizing the C.P.R. to construct extension to branch line of railway to serve the Red River Grain Co., Ltd., at mileage 1·31 Emerson Subdv.
- 56334. Aug. 24—Approving traffic agreement between the Bell Telephone Co. and La Compagnie de Téléphone de St. Paul de Chester.
- 56335. Aug. 26—Approving location of tank, etc., of North Star Oil, Ltd., at Baldur, Man. (C.N.R.).
- 56336. Aug. 26—Approving location of tank, etc., of North Star Oil, Ltd., at Raymond, Alta.
- 56337. Aug. 25—Approving location of tank, etc., of North Star Oil, Ltd., at Robsart, Sask.
- 56338. Aug. 25—Authorizing the C.P.R. to construct an extension to branch line to serve Macdonald's Consolidated, Ltd., Calgary.
- 56339. Aug. 25—Authorizing the C.P.R. to construct proposed extension to branch line to serve Victor Fox Foods (Western), Ltd., Calgary, Alta.
- 56340. Aug. 25—Approving removal of derails on C.P.R. main track, etc., at Princess St., Chatham, Ont., at crossing of the C.P.R. by the Pere Marquette Railway.
- 56341. Aug. 26—Extending time within which branch lines may be constructed under Order No 54886.
- 56342. Aug. 25—Amending Order No. 55107 to provide for the installation of mechanical time locks at crossing of N.Y.C. St. Clair Branch by the C.N.R. at Southwold, Ont.
- 56343. Aug. 27—Refusing application of City of Fort William, Ont., *et al*, for reconsideration of interswitching rights at Fort William and Port Arthur, Ont.
- 56344. Aug. 30—Authorizing the C.N.R. leave to file on one day's notice a supplement to their Tariff C.T.C. No. E2694 to provide for continuance of present rate on bituminous coal from Quebec, Que., to Berlin, N.H.
- 56345. Aug. 26—Approving supplement to exchange and toll line agreement between the Bell Telephone Co. and the Commissioners for the Telephone System of the Municipality of the Township of Brighton.
- 56346. Aug. 27—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56347. Aug. 27—Approving Traffic Agreement between the Bell Telephone Co. and La Compagnie de Téléphone Locale de Ham Nord.
- 56348. Aug. 27—Declaring the C.P.R. crossing at mileage 15·12 Windsor Subdv. protected to Board's satisfaction.
- 56349. Aug. 26—Declaring the C.N.R. crossing at mileage 135·6 Tisdale Subdv. protected to Board's satisfaction.
- 56350. Aug. 26—Relieving the C.P.R. from maintaining cattle guards at certain highway crossings on its Ste. Agathe Subdv.
- 56351. Aug. 27—Approving revised Appendix to supersede Appendix forming part of traffic agreement between Bell Telephone Co. and La Compagnie de Téléphone de Kamouraska.
- 56352. Aug. 27—Declaring the C.P.R. crossing at mileage 47·94 Estevan Subdv. protected to Board's satisfaction.
- 56353. Aug. 27—Requiring the Dominion Atlantic Railway Co. to install an automatic bell and wigwag at crossing of Trunk Highway No. 1, at Mount Uniacke Station, N.S.
- 56354. Aug. 27—Requiring the Dominion Atlantic Railway Co. to install an automatic bell and wigwag at crossing of Highway No. 1 west of Smith's Cove, N.S.
- 56355. Aug. 27—Requiring the Dominion Atlantic Railway Co. to install an automatic bell and wigwag at crossing of Trunk Highway No. 1 east of Joggins bridge, N.S.
- 56356. Aug. 29—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56357. Aug. 30—Approving traffic agreement between the Bell Telephone Co. and La Compagnie de Téléphone de Notre Dame de Ham.
- 56358. Aug. 30—Approving traffic agreement between the Bell Telephone Co. and La Compagnie de Téléphone de St. Jean Baptiste de Roxton.

- 56359. Aug. 30—Approving proposed changes in interlocker at mileage 4·0 Carberry Subdv., C.N.R.
- 56360. Aug. 30—Declaring the C.P.R. crossing at mileage 7·2 Newport Subdv. protected to Board's satisfaction.
- 56361. Aug. 30—Declaring the C.N.R. crossing at mileage 23·4 Chandler Subdv. protected to Board's satisfaction.
- 56362. Aug. 31—Authorizing the City of Montreal, Que., to reconstruct tunnel under tracks of C.P.R. on Rouen St., Montreal.
- 56363. Aug. 30—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56364. Aug. 31—Requiring the C.N.R. to install a single automatic bell and wigwag at crossing at mileage 83·17 Cayuga Subdv.
- 56365. Aug. 31—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56366. Aug. 31—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56367. Aug. 31—Amending Order No. 53433 to provide that the works, the Town of New Toronto, as applicant, was authorized to construct under it, be performed and carried out by the C.N.R.
- 56368. Sept. 1—Declaring the C.P.R. crossing at mileage 24·86 Newport Subdv., protected to Board's satisfaction.
- 56369. Aug. 31—Authorizing the C.N.R. to operate their engines and cars over siding serving the Elias Rogers Co., Ltd., Toronto, Ont.
- 56370. Aug. 31—Authorizing the C.N.R. to operate their engines and cars over siding serving Canada Coal Co., Ltd., Toronto, Ont.
- 56371. Sept. 1—Declaring the C.N.R. crossing at mileage 19·65 Dunville Subdv. protected to Board's satisfaction.
- 56372. Aug. 31—Declaring the crossing of Sixth Ave., West, Vancouver, B.C., where it is crossed by the Vancouver & Lulu Island Railway protected to Board's satisfaction.



The Board of

Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

XXVIII

Ottawa, October 1, 1938

No. 14

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the King's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the King's Printer, Ottawa.

Application of the Town of Mimico for an Order of the Board directing the Bell Telephone Company of Canada to amend its Tariffs so as to provide subscribers in Mimico with telephone service as part of the City of Toronto local exchange area and at the same rates and charges as apply within the Toronto base rate area.

Case No. 955.164.2.

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was heard at Toronto on the 20th, 21st, 22nd and 23rd days of June, 1938, in the presence of counsel and representatives of the Town of Mimico and of the Bell Telephone Company.

A brief explanation of the situation with respect to telephone service and tolls within the Toronto and New Toronto local exchange areas, and between them seems essential to provide a background for a clear understanding of what is involved. The southwest base rate boundary of the Toronto exchange is at the Humber River. Between the Humber River and Mimico Creek, a distance of approximately one mile, there is a thinly developed area known as the Humber Bay district, which, while within the Toronto exchange area, is outside of the base rate boundary, and subscribers in this district pay, in addition to the Toronto exchange rates, extra exchange mileage charges for each quarter mile or fraction thereof from the subscriber's location to the nearest point on the boundary of the Toronto base rate area. Then, west of Mimico Creek, which is the eastern boundary of Mimico, are the towns of Mimico and New Toronto and the village of Long Branch, and these municipalities, together with a certain area north of them, form the New Toronto local exchange area. This exchange area covers a natural community; the municipal boundaries of the three points adjoin each other, and there is a general continuous development in this area, particularly on the southern portion thereof along the lake shore.

Prior to the establishment of the New Toronto exchange, and the filing of the first tariff therefor effective June 7, 1912, it is stated by the company that there were only a few subscribers in this area, some served by rural lines from the Islington exchange, and some by a line from Toronto, who paid the Toronto exchange rate plus extra exchange mileage charges from the city base rate boundary to the subscriber's location. The company made a survey of this

district in 1912, and decided that the development taking place there would warrant the establishment of a local exchange, now embracing, as already stated, Long Branch, New Toronto and Mimico and some surrounding territory to the north of the municipal boundaries, and it has subsequently developed into a good sized community with a population of some 20,000 people and 2,325 telephone subscribers, distributed as follows:—

	Business Subscribers	Residence Subscribers	Total
Town of Mimico	111	788	899
Town of New Toronto	165	521	686
Village of Long Branch	66	324	390
In balance of exchange area . . . . .	...	...	350
	342	1,633	2,325

For wall equipment, a comparison of the monthly local exchange rates within the base rate boundaries of the Toronto and New Toronto exchanges is as follows:—

Class of Service:	Toronto	New Toronto
Individual line:		
Business	7.00	3.25
Residence	3.25	2.25
2-party line:		
Business	6.00	2.50
Residence	2.75	1.85
Private Branch Exchange:		
Business	8.75	4.05
Residence	4.35	2.80

For telephone communication between New Toronto and Toronto exchanges, there are three types of service. First, the standard long distance toll charge of 10 cents per call, used by those having only occasional or a small number of calls per month. Second, suburban zone service, which is provided in the New Toronto exchange for a monthly charge of \$2.25 for residence service and \$3.75 for business service over the charge for individual line service, permitting a stated number of calls per month to the city without charge (45 for a residence subscriber, and 60 for a business subscriber); calls in excess of the stated number charged for at 5 cents each, in place of the standard toll charge of 10 cents; calls from the city exchange at 5 cents each. This is a service which was first introduced on January 1st of this year, and is available for subscribers whose calls are within moderate number. One hundred and eighty-nine subscribers in the New Toronto exchange area have taken this new and optional service, having apparently found it better meets their telephone requirements. Third, foreign exchange service is available to those whose interests are closely associated with the city and who, although not within the Toronto exchange area, desire complete city service by reason of the large number of city calls. For this service, under recently revised tariffs of the company, there is a charge of \$10 per month over and above the Toronto exchange rates, which permits of unlimited calling.

The fundamental and standard services of the telephone company consist of the provision for local and long distance services, and the plant and facilities are primarily designed to furnish these standard services. The local service is the furnishing of the facilities required for communication between subscribers within the area of the specifically named exchange, embracing a city, town or community, and the tolls for local exchange service vary according to the size of the exchange conformably to the grouping prescribed by the Board in 1927 (Volume 16, Board's Judgments and Orders, pages 254 to 256). Long distance service covers the furnishing of facilities for communication between the telephone subscribers of one local exchange area and the subscribers in another local exchange area, and is subject to long distance tolls which, of course, vary according to the distance involved.

In addition to the standard services, there are certain special services furnished to meet unusual conditions or the special requirements of a relatively small number of telephone users, and, under this heading, come the foreign exchange and suburban zone services above referred to, which are, in reality, commuted long distance toll charges, and must be so considered.

Generally speaking, the base rate area of a local exchange is determined or established following the principle of including within it an area where there is practically a continuous and substantial development in the form of residences or business places, and it is not the general practice to also extend out to, and include in these base rate areas, some outlying developed community where there is a considerable intervening distance of very little development. It is stated that, at the time the New Toronto exchange was established, there was an intervening distance of practically no development for several miles between the Toronto and New Toronto base rate areas, although, subsequently, the development has brought them closer, and there is now a distance of approximately one mile between the Toronto and New Toronto base rate areas, and they are still, for the most part, separate communities with their own community interest.

Counsel for the applicant stated that Mimico is almost entirely a residential district; that it is a residential suburb of Toronto, and many people engaged in business in Toronto reside in Mimico; that it could not be described as a self-contained municipality; that the great majority of people in Mimico do not find their employment and do not make their living in the town of Mimico; they reside there. He further stated that the development of Mimico is by reason of people from the city of Toronto coming to make their homes there; that it has, for many years, gradually developed as a residential suburb, but now finds this development hampered by the high telephone rates; that people who otherwise would come from Toronto and locate in Mimico will not do so owing to the telephone rates charged. Its easy access to the centre of the city of Toronto in distance and time, as compared with other areas within the Toronto exchange, was stressed.

It can be accepted from the record that Mimico is a residential locality, but the statement of applicant's counsel, in opening, that it could not be described as a self-contained municipality, seems to conflict somewhat with his statement, in argument, that it has within its own boundaries all the services necessary to a person living there and one does not have to go elsewhere for anything. An exhibit was filed by the company showing well over 100 businesses in Mimico, as well as churches, banks, schools and theatre. The statement that Mimico has developed as a residential locality over a period of many years and this development is now hampered by high telephone rates is somewhat difficult to apprehend. Telephone subscribers in Mimico obtaining Toronto exchange service have always paid higher charges than those governing within the base rate area of the Toronto exchange. The New Toronto exchange was established in 1912. The Canada Year Book, 1937, shows the population of Mimico in 1911 as being 1,373; in 1921, as 3,751; and in 1931, as 6,800. As to the development of the telephone service, the net gain in telephones in that community was 190 in 1936 and 196 in 1937.

Neither the Toronto local exchange rates or those within the New Toronto local exchange are, of themselves, under attack. Inasmuch as the telephone charges within the New Toronto exchange are much lower than within the Toronto exchange, and applicant asks that Mimico be made part of the Toronto local exchange area and at the same rates and charges as apply within the Toronto base rate area, it is clearly evident that what is really involved is the matter of the telephone charges paid by those subscribers within Mimico

who desire complete Toronto service without any excess charge as now made under zone or foreign exchange service or long distance toll charge. This is confirmed by the evidence of the eight witnesses called by counsel for applicant whose evidence related to the telephone charges for Mimico subscribers desiring Toronto exchange service. The evidence of these witnesses is pretty well summarized by the statement of counsel, as already set out herein. The allegation that people who otherwise would locate in Mimico have gone elsewhere solely as a result of the telephone charges complained of, and that people have left Mimico solely for this reason, is not proven by the evidence given.

It would seem pertinent to examine, from what is on the record, the effect of the granting of this application upon the telephone subscribers in Mimico, as well as upon the subscribers within the New Toronto exchange, and to consider what appears to be the most beneficial and economical service to the subscribers as a whole in the New Toronto exchange as well as in Mimico.

There are 899 telephone subscribers in Mimico. Only 28 of them seem to have their telephone requirements met without the use of New Toronto exchange service, and they have only Toronto foreign exchange service. Twenty-one have Toronto foreign exchange service, also New Toronto exchange service, making, in all, 49 subscribers to Toronto foreign exchange service. Of the subscribers to New Toronto exchange service only, a study made by the company showed only 60 of them who, during a period of three months, made a sufficient number of calls to Toronto on long distance toll charges to incur total charges (local exchange and long distance tolls) which would equal or exceed the charges that would be applicable under what is applied for. During the same period, 119 subscribers to New Toronto exchange service only had no calls whatever to Toronto, but, by the granting of this application, would be subjected to substantially higher monthly charges, as shown earlier herein in the comparison between the charges in the New Toronto and Toronto base rate areas.

Exhibit 19, filed by the company, shows the effect of the granting of the application upon the yearly charges paid for telephone service by the Mimico subscribers, viz.:—

49 Foreign Exchange Subscribers:

Present exchange service charges, including charges for any New Toronto service	\$7,550
Charges for same class and grade of exchange service at Toronto base rates	2,600
Reduction	4,950

102 Zone Subscribers:

Present exchange service charges, including charges for additional zone messages	6,450
Charges for same class and grade of exchange service at Toronto base rates	5,010
Reduction	1,440

Other New Toronto Subscribers:

60 with large volume of calls to Toronto.	
Present charges for exchange service and calls to Toronto . . .	2,480
Charges for same class and grade of exchange service at Toronto base rates	2,125
Reduction	355
Remainder (688):	
Present charges for exchange service and calls to Toronto . . .	20,175
Charges for same class and grade of exchange service at Toronto base rates	27,590
Increase	7,415

The 49 foreign exchange subscribers would obtain a reduction averaging \$101 each per year.

The 102 suburban zone subscribers would obtain a reduction averaging \$14.11 each per year.

The 60 subscribers making a considerable number of calls to Toronto, and paying long distance toll charges, would obtain a reduction averaging \$5.91 each per year.

The remaining (688) Mimico subscribers would be required to pay increased charges averaging \$10.77 each per year.

It will be observed that 211 subscribers would obtain reductions totalling \$6,745 per year, averaging \$31.96 each, while 688 subscribers would be required to pay increased charges amounting to \$7,415 per year, averaging \$10.77 each. With regard to the effect upon the subscribers within the New Toronto exchange and not located in Mimico, the application involves taking out of this natural community, comprising the present New Toronto exchange area, 899 of its 2,325 subscribers, or 38 per cent of them. It means the splitting up of an area which is naturally and logically one community from the standpoint of furnishing a telephone service which is suitable and satisfactory to the great majority of the subscribers. It was stated by witness for applicant that the question of making Mimico, New Toronto and Long Branch one municipality has been under serious consideration for some years. The three municipalities have a common water supply. The sewage system serving Mimico and New Toronto is jointly owned by them; Long Branch operates its own. The company states these subscribers would be unfairly dealt with, because the range of their communication without the payment of an additional charge would be cut down materially by the elimination of the Mimico subscribers. It is stated that, when these people subscribed for telephone service, it was upon the understanding that they could talk with all subscribers in Mimico, New Toronto and Long Branch. The granting of the application would place Mimico in one local exchange, and New Toronto and Long Branch in another, and calls between subscribers of the two exchanges would be charged the long distance toll charge of 10 cents each, or under suburban zone or foreign exchange service. Upon request of the Board, the company made a study of the local calls between Mimico and the remainder of the New Toronto exchange for six days, which shows that the average number of daily calls between Mimico and the remainder of the exchange is 2,450. This is made up of 1,200 calls from Mimico to the remainder of the exchange, and 1,250 from the remainder of the exchange to Mimico. This furnishes some idea of the increased charges to which New Toronto and Mimico subscribers would be subjected. The company asserts that it is in its interest to furnish service at charges which will enable the fullest use of it, and contends that the present service and charges meet the requirements of the great majority of the subscribers in the New Toronto exchange in a more economical manner, from the standpoint of the subscribers, than would be the case under what is applied for. It is pointed out that; in Mimico, 55 per cent of the residence and 21 per cent of the business subscribers take the inferior 2-party line service because it is the cheapest they can buy. From its knowledge of the subscribers, the company believes that, under the higher Toronto rates, many subscribers would discontinue telephone service, and others now taking individual line service would take a lower grade of service. A witness for the applicant stated there were subscribers who could not afford to pay the Toronto rates, and were content with the present service.

We are faced with the fact that the Town of Mimico has made this application, but, upon careful consideration of the record, are compelled to wonder whether its study of the matter before launching the application went beyond a consideration of the benefits that would accrue to the 211 subscribers who would obtain lower charges and recognized and appreciated the situation of the 688 subscribers who would be required to pay increased charges averaging \$10.77 each per year, if retaining the same class and grade of service, as well as the other effects that have been above set out.

A petition was filed, which was admitted subject to objection by counsel of the company that it did not constitute evidence at all. It reads:—

"We the undersigned residents of the Town of Mimico and Lake Shore district request your full support in any effort that has already been initiated, or is contemplated to have the Bell Telephone extend City service at City rates to this area.

We submit the following reasons for so doing:—

(1) The Bell Telephone has recently extended this service to Scarboro, Easterly, and the whole of Mount Dennis to the border of Weston, Northwesterly, and Northerly an average of seven miles from Queen and Yonge streets.

(2) There can be no justification for penalizing the citizens, business men or professional men an extra cost of \$1.25 per quarter of a mile in Mimico or other Lake Shore municipalities, when they are closer to the centre of Toronto than the other municipalities referred to above.

(3) We definitely prefer the City service at City rates to our local system."

It purports to be signed by 432 Mimico telephone subscribers and 11 non-subscribers. Witness for applicant stated the petition was started in February, 1937, and about 25 per cent of the signatures were over a year old, and it was admitted that some of the signers might not have known specifically what rates were being petitioned for. The area to be covered, by the wording of the petition, is "the Town of Mimico and Lake Shore district." This appears to be vague and possibly misleading, and it is a question whether the signers understood it to include New Toronto and Long Branch as well by the description "Lake Shore district," as that description as aptly applies to New Toronto and Long Branch as it does to Mimico or the Humber Bay district. At the hearing, the company asked permission to file comments upon the petition, which was granted. It submitted the following analysis thereof:—

	Number	Per Cent of Total
Names of persons not residents of the town of Mimico..	7	1.6
Names which are duplicates or triplicates	9	2.1
Names of persons who are not subscribers (1)	132	30.1
Total	148	33.8
Names of subscribers (2)	290	66.2
Total names on petition (3)	438	100.0

- (1) Includes names of persons residing in premises where there is telephone service but who do not subscribe for it themselves.
- (2) As only a typed copy of the petition was available, it was not possible to determine if these names were genuine signatures.
- (3) This is an actual count, although the title page of the copy of the petition indicates that it contains a total of 443 names."

Counsel for applicant subsequently stated that the petition was copied hurriedly, and an examination of the copy indicates that, because of the difficulty in reading the signatures, a number of errors were made in copying either names or initials, and submits that such errors account for a large proportion of the names of persons shown by the company as not being subscribers. We do not consider much weight should be given to the petition.

The Board cannot direct the company to extend its Toronto base rate area to include Mimico. There have been numerous decisions of the Board, all reaching the same conclusion, viz., that the establishment, redivision and readjustment of exchange areas of a telephone company are matters of internal man-

agement of the company's business, with which the Board has no jurisdiction to interfere. The decisions of the Board with respect to this matter are to be found in the following cases:—

Tinkess v. Bell Telephone Co., 20 C.R.C., 249;

Town of Dundas, et al, vs. Bell Telephone Co., 31 C.R.C., 352;

Application of the Union of British Columbia Municipalities, 27 C.R.C., 319;

Complaint of the Towns of Riverside, Tecumseh, et al, against the division of exchange territory made by the Bell Telephone Co., in the district surrounding Windsor, 31 C.R.C., 381;

Application of the Corporation of Point Grey, B.C., 34 C.R.C., 175;

Application of the Residents of the Municipality of Point Grey, B.C., 31 C.R.C., 387;

Application of the Corporation of the Township of York, 34 C.R.C., 170.

However, the Board has power and jurisdiction to deal with all questions of unreasonableness or unjust discrimination in respect of telephone tolls resulting from the establishment, redivision and readjustment of the boundaries of any base rate areas, and, where it considers such tolls to be unreasonable or unjust or contrary to any of the provisions of the Railway Act, may require the company to substitute tolls satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls published by the company.

Unjust discrimination was alleged by the applicant. It stated:

"The Town of Mimico is discriminated against in the matter of rates for telephones forming part of the City of Toronto system, as compared with districts lying east, north and northwest of the City of Toronto and which are further distant than Mimico from the centre of the City of Toronto, but which are served by City of Toronto telephones at City rates."

It further stated, with regard to residents of Mimico:—

"That many of them require City of Toronto telephone service, but, by reason of the rates for this service being higher in the Town of Mimico than in districts an equal or greater distance from the City of Toronto, the Town of Mimico is adversely affected by this discrimination in favour of other districts."

Applicants submitted a map covering Toronto and surrounding districts. Taking Yonge and King streets as the centre of Toronto, circles were shown for each mile therefrom. This method of computation showed that Mimico is between six and seven miles from the centre taken, while there are other districts within the Toronto base rate boundary which are slightly over seven miles from it. In other words, Mimico may be said to be one mile nearer the centre taken than some portions of the area within the Toronto base rate boundary, viz., in the east from Woodrow Boulevard, to one mile west thereof; in the north from Teddington Park avenue to the intersection of the Don river and Yonge street; in the northwest Mount Dennis and Kingsway district. The company contended that the applicant's method of computation and the centre taken have nothing to do with the case; they have no exchange or central office at that point. The Toronto exchange is served by a number of central offices at various points, and the company submits that, if a mileage comparison is to be made, it should be from the central office serving the district,

as that would represent the distance for which plant facilities would have to be provided. These distances, airline measurement, are as follows:—

From Exchange:		Boundary nearest Exchange	Boundary farthest from Exchange
		Miles	Miles
Lyndhurst to Mimico		2½	3
“ “ Kingsway		1	2½
“ “ Mount Dennis		1	2½
Grover to Woodrow Blvd., or Birch Cliff		1	2½
Hyland to Teddington Park Ave. district		2	2½

A witness for the company, thoroughly familiar with these districts, gave evidence that they form a continuous and substantial development of the Toronto base rate area. Counsel for applicant, in cross-examination of the witness, suggested there was not continuous development. For example, in the Birch Cliff district, there is a golf club and a couple of substantial estates, which take up considerable area; in the Teddington Park area, there are the Rose-dale Golf Club and Hog's Hollow. The evidence indicates, however, that the development surrounds these places, and they should not act as a barrier to the extension of a base rate area where the development is fairly continuous and substantial up to them as well as beyond. The same situation exists in the west end where High Park is located, and the Toronto development goes around High Park, except at the south, where there is Lake Ontario. The situation with regard to these areas is that, when the Toronto development reached out to them, they came within the principle governing the establishment of a base rate area which has already been described herein, and mileage is not a controlling factor with respect thereto, otherwise there would be many instances of discrimination within the various exchange areas. In Volume 11, Board's Judgments & Orders, p. 109, it is stated:

“The nature of the telephone business in local service is such that it would be difficult, if not impossible, to grade all local exchange service on distance, and it is probable that if a scale of rates graded on distance were worked out the situation in practice would be an unworkable one.”

In Volume 26, Board's Judgments & Orders, p. 424, the Board stated:

“There is, in fact, no fixed mileage radius within the Quebec, or the many other exchanges in the provinces of Quebec and Ontario.”

These areas represent an outgrowth of Toronto; they are in no other exchange area. That is not the situation in Mimico and in the New Toronto district. That district is not an outgrowth of Toronto, but a development of its own, formerly several miles distant, although the distance between Toronto and this district has become closer by reason of the development that has taken place since the establishment of the New Toronto exchange in 1912. Witness for the company stated, in giving evidence, that, when the Humber Bay district fills up as a continuous and substantial development, the whole question of extending the Toronto base rate area must be given consideration and again determined.

The following citation from the Board's Judgment in the Loretteville application is particularly apposite, and in many respects is a parallel case to this application (46 C.R.C., 203):

“The applicants' desire to have long distance tolls between exchanges eliminated, and to greatly extend the Quebec base rate area in order to effect reductions in the telephone charges of many of the subscribers, may be readily understood; further, the applicants are not in any way concerned with the effect that this might have elsewhere. The Board, however, is in

an entirely different position. In any case where tolls, or rates, are prescribed or directed by the Board, it must consider carefully the underlying principles that apply in so far as the telephone rate structure is concerned and avoid a direction which would create maladjustments, unjust discrimination, or undue preference. It is incumbent upon the Board to consider whether a direction given by it will create discrimination of the very character that the Railway Act commands it to prohibit. A situation of the character now before us cannot be considered apart and isolated from the whole rate structure. The Board concluded a very exhaustive investigation of the rates for local exchange service in 1927 and the local exchange rates within the Quebec and Loretteville exchanges are as then prescribed. The principle of a long distance toll between separate exchanges has existed for a very great number of years. This whole rate fabric would be affected by what is involved in this application, because there are such a great number of other places where similar situations prevail and it is to be expected that they would demand and could not be denied similar treatment. It is impossible to foresee, with the very meagre data before us, the effect that this would have upon the telephone company in the form of increased expenditures and operating costs, or upon its revenue. Where is the line to be drawn; at ten miles, as applied for, or some other distance. These and many other considerations are particularly relevant.

In other words, where, as in this case, no evidence was given showing the charges to be, in themselves, unreasonable or discriminatory; where no evidence was given to show that the underlying principles upon which these rates have been fixed is unsound in any way; where the entire situation with regard to local exchange rates was the subject of a most exhaustive investigation by the Board in 1927 and nothing has since developed indicating any necessity for revision thereof; should the Board now consider interfering with the toll structure heretofore adopted merely upon a local application of this character where the evidence does nothing more than indicate the desire of certain subscribers to have a reduction in their telephone charges? I think not."

With regard to the alleged unjust discrimination, the Board's decisions and interpretation of the Act on this point have been repeatedly set out. They have been uniformly followed during its 34 years' existence; have been accepted by the companies and the public as being the correct interpretation of the Act, and have never been appealed or challenged by counsel for any interest as being contrary to the Railway Act, and Parliament has never amended or changed the provisions in question.

Section 317 of the Act deals with discrimination, and provides that:—

"The Board may determine, as questions of fact, whether or not traffic is, or has been, carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage within the meaning of this Act."

With respect to the words "under substantially similar circumstances and conditions," the Board stated that the Act:—

"leaves it open to consider, in reference to the making of charges, all circumstances and conditions that appear applicable, whether directly relating to the carriage or the service given by the railway company or not." (C.R.C. 4, p. 268).

In 11 C.R.C., 370, the late Chief Commissioner Mabee stated:—

“The Railway Act, as I understand it, authorizes and justifies discrimination. It is only an undue, unfair or unjust discrimination that the law is aimed against.”

In *Weganast vs. Grand Trunk Ry. Co.*, 8 C.R.C., 42, at p. 45, the Board stated:—

“There is evidence that no one has chosen to buy property in Oakville who would have purchased in Brampton had reduced fares to that town been in effect. There is evidence that no one has removed from Brampton to Oakville consequent upon reduced fares to that town, and there is evidence that, so far as known, no one has removed from Toronto or elsewhere to Oakville who would have chosen Brampton had reduced fares existed to that town. It may be that Oakville has to a small extent profited by these reduced fares; it may be that Brampton would profit to an equal or greater degree if they were in force between Toronto and that town; but the question is whether Oakville has profited at the expense of Brampton, and I am of opinion that such has been shown not to be the case.”

In Volume 12, Board's Judgments & Orders, p. 73, it is set out that:—

“Mere mileage comparisons do not afford criteria of discrimination, but all facts material must be given weight. In other words, under the body of regulation which is developed under the Railway Act, mileage is not a rigid yardstick of discrimination; discrimination, in the sense in which it is forbidden by the Railway Act, is a matter of fact to be determined by the Board.”

In Volume 13, Board's Judgments & Orders, p. 164, it is stated:—

“One criterion of unjust discrimination is whether the district or individual alleged to be discriminated in favour of has profited at the expense of the locality against which it is alleged the discrimination has taken place. Where no evidence was submitted that any rate advantage possessed by a competitor had rendered it more difficult for the applicant company to do business, the allegation of unjust discrimination was held to be unfounded.”

The applicant furnished nothing in any way approaching proof that these other districts have profited at the expense of Mimico. We find a dissimilarity of circumstances and conditions as between Mimico and the other districts to which reference was made, and that a case of unjust discrimination has not been made out.

In so far as concerns the submissions made with respect to the charges for foreign exchange service, these must be governed by the Board's Judgment in the Weston case, dated July 20, 1938, the concluding portion of which reads as follows:—

“Section 345 of the Railway Act permits railways, within their discretion, to issue excursion or commutation passenger tickets at reduced rates. The Board has considered this section of the Act in numerous instances. In all of these cases, the position taken by the Board was that, under the provisions of Section 345, the railways are given discretion as to certain things they may do, and that the question of excursion or commutation fares is something in connection with which the Board has no initial discretion or jurisdiction; that the Board's power under this section is a remedial one only, and confined to consideration of any alleged unjust discrimination or undue preference which may result from concessions made by the companies under Section 345, and, if found to

exist, the Board may direct removal of the unjust discrimination, 11 C.R.C., p. 370; 13 C.R.C., p. 178; 17 C.R.C., p. 320; 31 C.R.C., p. 315; 47 C.R.C., p. 222. By Judgment of the Board, dated January 17, 1920, it was held that Section 345 of the Railway Act was applicable to telegraph and telephone companies, and that they possessed the same rights in establishing reduced transportation of messages as the railway companies possess as to reduced transportation of passengers.

The company's standard charge for telephone communication between the city and suburban exchanges here in question is 10 cents per call, which has been approved by the Board. The foreign exchange charge is, without question, a commuted long distance toll charge, or a commutation telephone rate, and a very material concession from the regular or standard charge, and comes within the provisions of Section 345.

Commutation tickets enable people in suburban areas near the city to obtain transportation daily between such areas and the city at less than the regular passenger fares. Commuted long distance toll charges, designated as foreign exchange service, enable people in suburban areas near the city to obtain telephone communication daily between such areas and the city at less than the regular toll charges. In both cases, the concessions represent a very material reduction from the regular fares or charges.

Consequently, the issue with which we are empowered to deal is whether any unjust discrimination or undue preference results from what is proposed. It is clearly developed that unjust discrimination now exists in the matter of these foreign exchange charges, and it is not shown that there is any unjust discrimination under what is proposed, but, on the other hand, equality of treatment is provided for.

I am, therefore, of the opinion that the situation, as developed, is not one which, on the facts before us, is taken out from under the decisions of the Board to which reference has been given, and that the application of the Town of Weston must be refused."

The application must be refused.

OTTAWA, August 18, 1938.

Commissioners Stoneman and Stone concurred.

ORDER No. 56426

In the matter of the application of the Town of Mimico, in the Province of Ontario, for an Order directing the Bell Telephone Company of Canada to amend its tariffs so as to provide subscribers in Mimico with telephone service as part of the City of Toronto local exchange area and at the same rates and charges as apply within the Toronto base rate area.

Case No. 955.164.2

TUESDAY, the 13th day of September, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Toronto on the 20th, 21st, 22nd, and 23rd days of June, 1938, in the presence of counsel for and representatives of the Town of Mimico and the Bell Telephone Company of Canada, the evidence offered, and what was alleged,—

It is ordered: That the application be, and it is hereby, refused.

H. GUTHRIE,

Chief Commissioner.

Application of the Township of Etobicoke, Ont., for an Order of the Board directing the Bell Telephone Company of Canada to make available to the telephone users in the area known as the "Islington District," in the said township, a telephone service connected directly to a city of Toronto exchange.

Case No. 955.164.3

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

Evidence in this application was heard at Toronto on June 23, 1938, in the presence of counsel and representatives of the township of Etobicoke and of the Bell Telephone Company, and counsel subsequently submitted written arguments.

The geographical situation with respect to what is here involved is shown by a map filed by applicant as Exhibit 1. This shows four districts which are municipally a part of the township of Etobicoke. They are as follows:—

- (1) The Kingsway district, shown in yellow.
- (2) The Humber Bay district, shown in red.
- (3) The district north of the C.P.R. tracks and east of Islington avenue, referred to in the record as the Home Smith Development, shown in purple.
- (4) A portion of the Islington exchange area outlined on the north, west and south by a red line, and on the east by districts 1, 2 and 3, shown in white.

The eastern boundary of districts 1, 2 and 3 is the Humber river, and the western boundary is Mimico creek to the C.P.R. tracks thence Islington avenue. Districts 1, 2 and 3 form the eastern boundary of district 4, and the western boundary is at Kipling avenue.

Prior to January 1, 1938, these districts were all within the base rate boundary of the Islington local exchange. By a provision in the local exchange tariff, Toronto exchange service was also furnished in district 1 upon payment of Toronto base rate charges plus extra exchange mileage charges for each quarter-mile or fraction thereof, airline distance, between the subscriber's location and the nearest point on the western boundary of the Toronto base rate area, which was the Humber river.

Effective January 1, 1938, districts 1, 2 and 3 were removed from the Islington base rate area, but the tariff provides for furnishing service from the Islington exchange within these districts without foreign exchange mileage charges in connection with contracts for such service which existed as of December 31, 1937. On the same date, district 1 was included in the base rate area of the Toronto exchange; and districts 2 and 3 were brought within the Toronto exchange area but outside of the base rate boundary thereof. Consequently, subscribers in districts 2 and 3 pay Toronto base rate charges plus extra exchange mileage charges of 75 cents per quarter-mile for individual line service and 45 cents per quarter-mile for two-party line service, computed as above set out. District 4 was, and remains, within the base rate boundary of the Islington exchange.

The company states these changes were made in conformity with the general telephone practice governing the establishment and readjustment of exchange areas. Generally speaking, the base rate area of a local exchange is determined following the policy of including within it an area where there is

practically a continuous and substantial development in the form of residences or business places. More sparsely settled sections contiguous to the base rate boundary, and in which there is a demand for telephone service and the normal connection would be with said exchange, may be included in the exchange area, and, because in this area telephone service cannot be given as economically as it can in the base rate area, extra exchange mileage charges are made.

District No. 1 was, therefore, included in the base rate area of the Toronto exchange because the development of the city of Toronto had reached out to it in the form of continuous and substantial development within the principle governing the establishment of a base rate area; and districts 2 and 3 included in the Toronto exchange area. As of December 31, 1937, there were, in districts 1, 2 and 3, 868 subscribers; 830 to Toronto exchange service and 38 to Islington exchange service. In district 4, there were 232 subscribers to Islington service and 31 to Toronto foreign exchange service only.

For wall type telephone, the monthly charges for telephone service to subscribers in the Islington exchange are as follows:—

Class of service	Rate per month
Business:	
Individual.. . . .	\$3.25
2-Party.. . . .	2.50
P.B.X. Trunk.. . . .	4.05
Rural	1.75
Residence:	
Individual.. . . .	2.25
2-Party.. . . .	1.85
Rural.. . . .	1.50

For wall type telephone, the monthly charges in the base rate area of the Toronto exchange are as follows:—

Business:	
Individual.. . . .	\$7.00
2-Party.. . . .	6.00
P.B.X. Trunk.. . . .	8.75
Residence:	
Individual.. . . .	3.25
2-Party.. . . .	2.75

The monthly charges to subscribers in districts 2 and 3, who are outside the base rate area of the Toronto exchange and pay extra exchange mileage charges, are as follows:—

Class of service	Distance from base rate boundary			
	1st $\frac{1}{4}$ mile	2nd $\frac{1}{4}$ mile	3rd $\frac{1}{4}$ mile	1 mile
Business:				
Individual.. . . .	\$7.75	\$8.50	\$9.25	\$10.00
2-Party.. . . .	6.45	6.90	7.35	7.80
Residence:				
Individual.. . . .	4.00	4.75	5.50	6.25
2-Party.. . . .	3.20	3.65	4.10	4.55

For telephone communication between Islington and Toronto exchanges there are three types of service. First, the standard long-distance toll charge of 10 cents per call, used by those having only occasional or a small number of calls per month. Second, suburban zone service, which is provided in the Islington exchange for a monthly charge of \$2.25 for residence service and \$3.75 for business service over the charge for individual line service, permitting a stated number of calls per month to the city without charge (forty-five for a residence subscriber and sixty for a business subscriber); calls in excess of the stated

number charged for at 5 cents each, in place of the standard toll charge of 10 cents ; calls from the city exchange at 5 cents each. This is a service which was first introduced on January 1 of this year, and is available for subscribers whose calls are within moderate number. Fifty-nine subscribers in the Islington exchange area have taken this new and optional service, having apparently found it better meets their telephone requirements. Third, foreign exchange service is available to those whose interests are closely associated with the city, and who, although not within the Toronto exchange area, desire complete city service by reason of a large number of city calls. For this service, under recently revised tariffs of the company, there is a charge of \$10 per month over and above the Toronto exchange rates for individual line service, which permits of unlimited calling.

The fundamental and standard services of the telephone company consist of the provision for local and long-distance services, and the plant and facilities are primarily designed to furnish these standard services. The local service is the furnishing of the facilities required for communication between subscribers within the area of the specifically named exchange, embracing a city, town or community, and the tolls for local exchange service vary according to the size of the exchange, conformably to the grouping prescribed by the Board in 1927 (Volume 16, Board's Judgments and Orders, pages 254 to 256). Long-distance service covers the furnishing of facilities for communication between the telephone subscribers of one local exchange area and the subscribers in another local exchange area, and is subject to long-distance tolls which, of course, vary according to the distance involved.

In addition to the standard services, there are certain special services furnished to meet unusual conditions or the special requirements of a relatively small number of telephone users, and under this heading come the foreign exchange and suburban zone services above referred to, which are, in reality, commuted long-distance toll charges, and must be so considered.

An Islington local exchange subscriber for individual line business service, having only a few calls per month with Toronto, may take only local exchange service at \$3.25, and for calls to Toronto not exceeding thirty-seven per month it would be to his advantage to pay the long-distance toll charge, the local and long-distance tolls for thirty-seven calls amounting to \$6.95 per month. When exceeding thirty-seven calls per month with Toronto, the suburban zone service would be the most economical for calls not exceeding 260 per month, the zone service charge for 260 calls being \$17. When exceeding 260 calls per month, the foreign exchange service charge would be \$17 per month with complete Toronto service and unlimited calling. In the case of a subscriber for individual line residence service, the local exchange service and long-distance toll is cheapest up to 22 calls per month with Toronto; zone service the most economical up to 220 calls per month, and for calls exceeding 220 per month, the foreign exchange service with unlimited calling, the monthly charges under the three types of service for the number of calls mentioned being \$4.45, \$13.25, and \$13.25, respectively.

When the Islington exchange was established many years ago, it was a considerable distance from Toronto, counsel for applicant describing it as "a day's buggy ride", but, subsequently, the development has brought them much closer, and the intervening distance is not now great.

Neither the Islington local exchange rates nor those within the Toronto exchange are, of themselves, here under attack. Inasmuch as the telephone charges within the Islington exchange are much lower than those within the Toronto exchange, as already shown herein, and applicant asks that district 4 be granted the same basis of charges as districts 2 and 3, obviously increased charges are not applied for with respect to telephone service within the Islington exchange, and it is clearly evident, therefore, that what is really involved is

the matter of telephone charges paid by those subscribers within the Islington exchange who desire complete Toronto service without any excess charge, as now made under zone or foreign exchange service or long distance toll charge. This is confirmed by the witnesses called by counsel for applicant whose evidence related to the telephone charges for Islington subscribers desiring Toronto exchange service.

Applicant alleges that all these districts are one community; that there should not be a different basis of charges in different parts of one community; that its interests, business, social and recreative, are in Toronto. It is contended the readjustment of exchange areas made by the company has no relation to the interest of the subscribers therein. It is stated there is no physical difference between districts 2 and 4; that Toronto's growth westward has made district 4 a part of greater Toronto to a greater extent than districts 2 and 3. It is, therefore, submitted that the company's readjustment of exchange boundaries has split up this community, and that, under such readjustment, district 4 was treated unreasonably and unjustly. It is further pointed out that, prior to January 1st, 1938, subscribers in districts 2, 3 and 4 were all treated alike, and that without, it is alleged, any change in the circumstances or conditions, a dissimilarity of treatment has been made in respect of telephone charges, creating a disparity therein which amounts to unjust discrimination against the subscribers in district 4. Applicant also pointed out that all the districts 1 to 4 form part of the township of Etobicoke municipality; that they are regulated from the municipal office situated in district 4, and are assessed and pay their taxes there, and obtain their lighting, water, police protection, and practically all their fire protection from there. A witness for applicant referred to a canvass made of telephone subscribers in district 4. It is stated that letters, which were mimeographed and addressed to the Reeve of the township, were taken around and the matter discussed with the subscribers; that they were advised of the nature of the application being made and what their monthly charges would be. 115 letters were filed, signed by people purporting to be subscribers in district 4 to the effect that they are in favour of obtaining city telephone service and would subscribe thereto. 21 letters were also filed from persons not at present having telephone service, but stating they would take city service if provided in this district. These letters were admitted subject to objection by counsel of the company as to their admissibility as evidence, and, in argument, counsel for the company enlarges upon his objection to the acceptance of these letters as evidence. The 115 letters purporting to be signed by subscribers in district 4 (they have not been checked by the Board or the company) represent 49.56 per cent of the total subscribers for Islington service in district 4, and 32.95 per cent of the total subscribers for Islington service within the Islington exchange area. Only 69 per cent of the subscribers in the Islington exchange are within district 4.

The Islington local exchange was established a great many years ago because of the existence of a demand on the part of the residents in that district for telephone communication with each other. The exchange was established and designed for the purpose of affording telephone communication between the residents in that district. Their means of communication with Toronto was by long distance service. There are now three types of service for telephone communication with Toronto, as earlier set out herein. Districts 1, 2 and 3 were not developed until many years later. They all lie between Islington and Toronto, and, according to witness for applicant, were developed for the most part by people from Toronto, and the entire development of district 1 is stated to have taken place since 1927. In that year, the base rate area of Islington exchange was extended to include these districts. However, the record shows that, while these districts were included in the Islington exchange area, the majority of the subscribers for telephone service did not want, and would not buy, Islington exchange service; their interests were more closely

associated with Toronto, and they subscribed for Toronto service and paid foreign exchange service rates in order to obtain it. In other words, these districts gradually developed telephonically as part of the Toronto exchange, so that, on the date of the readjustment of exchange areas, on January 1st, 1938, there were only 38 subscribers in these districts, out of a total of 868, who wished to continue Islington service. It is stated that, within the four months following this change, 24 per cent of the 38 subscribers voluntarily gave up Islington service, and took Toronto service.

There are also some people in the Islington exchange area who came from Toronto to reside there, and who desire Toronto exchange service. There are 380 subscribers in the Islington exchange area. 31 of them have Toronto foreign exchange service only; 16 more have both Islington service and Toronto foreign exchange service; and 59 have subscribed for suburban zone service. Of the 106 subscribers interested in Toronto service, 75 of them have evidenced their need for Islington local service as well by taking it, and only 31 of the 380 subscribers, or 8 per cent of the total, have indicated their ability to do without the local Islington service, and subscribed for Toronto service only. Of the 274 subscribers, or 72 per cent of the total, who have Islington local exchange service only, it does seem that their need for communication with Toronto is indicated by their use of long distance service, as shown on Exhibit 12, which reads as follows:—

TOLL MESSAGE USE TO TORONTO BY SUBSCRIBERS IN THE ISLINGTON
EXCHANGE AREA BILLING PERIOD ENDING MAY 21, 1938

(Subscribers with foreign exchange or zone excluded)

Number of messages	Number of subscribers	Per cent to total
0	53	20
1—5	134	50
6—10	53	20
11—15	22	8
16—20	7	2
Total	269	100

This exhibit, made up from actual accounting records of the company for a period of one month, showed that none of these subscribers had more than 20 calls per month to Toronto; that 20 per cent of them had no calls to Toronto; that 50 per cent of them made 1 to 5 calls; 20 per cent from 6 to 10 calls; and only 10 per cent over 10 calls. It is impossible to avoid the conclusion that it is the cheaper charges for service within the Islington exchange that best meets the requirements of the great majority of these subscribers; that their communication with Toronto is very limited, and, generally speaking, even with a somewhat greater number of Toronto calls, they would, in most cases, pay considerably less under the present service and charges than they would under the charges sought to be imposed by this application. The small number of calls made by these subscribers does not evidence the existence of a community of interest between them and the whole of the Toronto exchange.

The applicant's contention that all these districts are one community, and that there should not be a different basis of charges in different parts of one community, is inconsistent with the application that is made. Applicant does not ask for the same basis of charges as applicable in district 1, nor does the application include that portion of the Islington exchange area west of Kipling Avenue in which there are 117 subscribers to Islington exchange service, so that, under what is applied for, there would still be three different bases of charges.

The Board has recognized that municipal limits do not control the establishment of telephone exchange boundaries. In Volume 3, Board's Judgments and Orders, p. 69, there was considered an application to have Toronto exchange telephone rates apply to North Toronto, which had recently been annexed to

the city of Toronto, and the Board refused to make such a direction, holding that the circumstances and conditions affecting telephone service in North Toronto were not similar to the circumstances and conditions existing within the Toronto exchange limits.

Volume 15, Board's Judgments and Orders, p. 263, covers complaint of the Towns of Riverside, Tecumseh, etc., against the division of exchange territory in the district surrounding Windsor. The town of Riverside was divided so that subscribers on one side of the Lauzon road, running through the town, were in the Tecumseh exchange, and those on the other side within the Windsor exchange, thus imposing a toll charge between two sections of the town. The complaint was dismissed for the reasons set out in the Board's Judgment.

Volume 18, Board's Judgments and Orders, p. 72, covers an application of the Township of York for an order directing the Bell Telephone Company to revise its tariffs to provide that all subscribers within the municipal limits of the said township be given telephone connection with all subscribers in all parts of the township and the city of Toronto at the same rates as charged to subscribers residing in the city of Toronto. Some subscribers in the township of York were served by the Weston exchange, others by the Toronto exchange, and subscribers in one exchange were required to pay long distance toll charges for conversation with subscribers in the other exchange. It was alleged that discrimination existed within the municipality, because of the fact that, on one side of the railway belt line, the service was given at a lesser rate than prevailed on the other side of the said line. The application was dismissed for the reasons given in Judgment.

The company points out that municipal boundaries and municipal services do not determine the community of interest which governs the establishment of telephone service. It states the community of interest which in part governs the establishment of telephone service in a given locality is that interest which gives rise to a demand on the part of the residents of the locality in question for a service which will enable them to communicate with other persons in that locality. From what has already been set out, it is shown that most of the subscribers in districts 1, 2 and 3 have indicated their desire for, and actually paid for, the Toronto exchange service. The situation in district 4 is quite different. The majority of the subscribers in that district has taken Islington exchange service only, and a very small minority has subscribed for Toronto foreign exchange service. The company states that, if there was any splitting up of the portion of the township of Etobicoke in question, this was not brought about by any act of the company, but was brought about and created by the telephone users in that territory themselves by the majority of them subscribing and paying for Toronto foreign exchange service which did not permit of their communicating with the subscribers to the Islington exchange service without payment of a toll charge. The company asserts that this attitude on the part of the majority of the subscribers in not purchasing their own local service is the most cogent evidence of the lack or absence of a community of interest between districts 1, 2 and 3 on the one hand and district 4 on the other. In other words, this "splitting up" had, in fact, existed for a number of years before districts 1, 2 and 3 were formally taken into the Toronto exchange area, so that, long before the tariff changes took place, a large majority of the subscribers in the districts in question had, by their own act and volition, severed themselves telephonically from the Islington district.

The Board cannot direct the company to extend its Toronto exchange area to include Islington. There have been numerous decisions of the Board, all reaching the same conclusion, viz., that the establishment, redivision and readjustment of exchange areas of a telephone company are matters of internal

management of the company's business, with which the Board has no jurisdiction to interfere. The decisions of the Board with respect to this matter are to be found in the following cases:—

Tinkess vs. Bell Telephone Co., 20 C.R.C., 249;

Town of Dundas, et al, vs. Bell Telephone Co., 31 C.R.C., 352;

Application of the Union of British Columbia Municipalities, 27 C.R.C., 319;

Complaint of the Towns of Riverside, Tecumseh, et al, against the division of exchange territory made by the Bell Telephone Co., in the district surrounding Windsor, 31 C.R.C., 381;

Application of the Corporation of Point Grey, B.C., 34 C.R.C., 175;

Application of the Residents of the Municipality of Point Grey, B.C., 31 C.R.C., 387;

Application of the Corporation of the Township of York, 34 C.R.C., 170.

However, the Board has power and jurisdiction to deal with all questions of unreasonableness or unjust discrimination in respect of telephone tolls resulting from the establishment, redivision and readjustment of the boundaries of any base rate areas, and, where it considers such tolls to be unreasonable or unjust or contrary to any of the provisions of the Railway Act, may require the company to substitute tolls satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls published by the company.

With regard to the alleged unjust discrimination, the Board's decisions and interpretation of the Act on this point have been repeatedly set out. They have been uniformly followed during its 34 years' existence; have been accepted by the companies and the public as being the correct interpretation of the Act, and have never been appealed or challenged by counsel for any interest as being contrary to the Railway Act, and Parliament has never amended or changed the provisions in question.

Section 317 of the Act deals with discrimination, and provides that:—

"The Board may determine, as questions of fact, whether or not traffic is, or has been, carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage within the meaning of this Act."

With respect to the words "under substantially similar circumstances and conditions," the Board stated that the Act:—

"leaves it open to consider, in reference to the making of charges, all circumstances and conditions that appear applicable, whether directly relating to the carriage or the service given by the railway company or not." (C.R.C. 4, p. 268.)

In 11 C.R.C., 370, the late Chief Commissioner Mabee stated:—

"The Railway Act, as I understand it, authorizes and justifies discrimination. It is only an undue, unfair or unjust discrimination that the law is aimed against."

In Weganast vs. Grand Trunk Rly. Co., 8 C.R.C., 42, at p. 45, the Board stated:—

"There is evidence that no one has chosen to buy property in Oakville who would have purchased in Brampton had reduced fares to that town been in effect. There is evidence that no one has removed from Brampton to Oakville consequent upon reduced fares to that town, and there is evidence that, so far as known, no one has removed from

Toronto or elsewhere to Oakville who would have chosen Brampton had reduced fares existed to that town. It may be that Oakville has to a small extent profited by these reduced fares; it may be that Brampton would profit to an equal or greater degree if they were in force between Toronto and that town; but the question is whether Oakville has profited at the expense of Brampton, and I am of opinion that such has been shown not to be the case."

In Volume 12, Board's Judgments & Orders, p. 73, it is set out that:—

"Mere mileage comparisons do not afford criteria of discrimination, but all facts material must be given weight. In other words, under the body of regulation which is developed under the Railway Act, mileage is not a rigid yardstick of discrimination; discrimination, in the sense in which it is forbidden by the Railway Act, is a matter of fact to be determined by the Board."

In Volume 13, Board's Judgments & Orders, p. 164, it is stated:—

"One criterion of unjust discrimination is whether the district or individual alleged to be discriminated in favour of has profited at the expense of the locality against which it is alleged the discrimination has taken place. Where no evidence was submitted that any rate advantage possessed by a competitor had rendered it more difficult for the applicant company to do business, the allegation of unjust discrimination was held to be unfounded."

The comparison made by applicant of the rates for Toronto exchange service with the rates for Toronto foreign exchange service furnished in the Islington exchange is an improper comparison from the standpoint of indicating either unreasonableness or unjust discrimination, because the rates compared are not rates for the same or similar service, but are the rates for two wholly different kinds of service. The distinction between these two classes of service is very clear, viz.,

"Exchange service (or local service) is the furnishing of the facilities and services required for telephone communication between stations within a local service area or between a station and the toll facilities in the same local service area."

"Foreign Exchange Service is exchange service furnished from an exchange which does not normally serve the area in which the subscriber to such service is located. It is not in accordance with the general plan of furnishing telephone service and is provided subject to the availability of suitable facilities."

If an individual locates his residence or business in a given exchange area, he cannot reasonably demand, because of the nature of his telephone requirements, the complete service furnished in an entirely separate exchange area to and from his residence or business in another exchange area without payment of a reasonable additional charge for the kind of service he desires or requires. The normal and standard method of communication between exchanges is by means of long distance toll charges. Suburban zone and foreign exchange services provide for abated or commuted long distance toll charges and are special services furnished to meet unusual conditions and the requirements of a relatively small number of telephone users. The location of a subscriber in one exchange, with a desire for the service given in another separate exchange without payment of an excess charge therefor, is tantamount to an application that his geographical disadvantage in location be overcome by a direction of the Board through the prescription of reduced rates. This transcends the powers or functions of the Board. The Board has stated:—

"Railways are not required by law, and cannot in justice be required, to equalize natural disadvantages such as location, cost of production and the like (Canadian Oil Companies vs. Grand Trunk, Canadian Pacific and Canadian Northern Railway Companies, 12 C.R.C., 356)."

"In so far as these different considerations are concerned, the Board can give effect to none of them in connection with any rate question. It has been held time and again that rate-regulating commissions have no right whatever to attempt to equalize geographic, climatic, or economic conditions. They are concerned simply and wholly with the question of the reasonableness of the toll which the railway company is seeking to collect for the carriage of a given commodity, irrespective of how it is made, or whence it comes. (Canadian China Clay Co. vs. Grand Trunk, Canadian Pacific and Canadian Northern Railway Companies, 18 C.R.C., 348.)"

The Islington exchange is not restricted in area to-day to any greater extent than it was for a great many years prior to 1927. In that year, its area was enlarged to embrace districts 1, 2 and 3, which were then largely vacant land. As these districts developed, they indicated clearly their association with Toronto, rather than with Islington, by refusing to buy Islington exchange service but taking Toronto service and paying foreign exchange charges in order to secure it, and they have finally been included in the Toronto exchange area; the object of the readjustment was to best meet the requirements of the subscribers.

It is not shown that this has been in any way detrimental to the subscribers in the Islington exchange area, nor has such action affected their charges in any respect. While applicant alleged that the readjustment of exchange areas has no relation to the interest of the subscribers therein, in my opinion the record shows that the readjustment was made in relation to the interest of the subscribers therein as a whole. I also consider that a dissimilarity of circumstances and conditions as between these districts clearly exists, which was gradual in its development and finally recognized by the readjustment of exchange areas made on January 1, 1938. I fail to see wherein there is any question of unreasonableness or unjust discrimination in respect of telephone charges resulting from the readjustment of the exchange boundaries. The readjustment has not resulted in any change in the charges for telephone service to subscribers within district 4. As already stated, neither the rates charged within the Islington nor the Toronto exchanges are here under attack. The types of service and charges therefor for telephone communication between Islington and Toronto exchanges have been set out. They have not been shown to be unreasonable or that any unjust discrimination exists with respect thereto. A change has recently been made in the charges for foreign exchange service, which must be governed by the Board's Judgment in the Weston Case (Volume 28, Board's Judgments and Orders, p. 179), the concluding portion of which reads as follows:—

"Section 345 of the Railway Act permits railways, within their discretion, to issue excursion or commutation passenger tickets at reduced rates. The Board has considered this section of the Act in numerous instances. In all of these cases, the position taken by the Board was that, under the provisions of section 345, the railways are given discretion as to certain things they may do, and that the question of excursion or commutation fares is something in connection with which the Board has no initial discretion or jurisdiction; that the Board's power under this section is a remedial one only, and confined to consideration of any alleged unjust discrimination or undue preference which may result from concessions made by the companies under section 345, and, if found to exist, the Board may direct removal of the unjust discrimination, 11 C.R.C., p. 370;

13 C.R.C., p. 178; 17 C.R.C., p. 320; 31 C.R.C., p. 315; 47 C.R.C., p. 222. By judgment of the Board, dated January 17, 1920, it was held that section 345 of the Railway Act was applicable to telegraph and telephone companies, and that they possessed the same rights in establishing reduced transportation of messages as the railway companies possess as to reduced transportation of passengers.

"The company's standard charge for telephone communication between the city and suburban exchanges here in question is 10 cents per call, which has been approved by the Board. The foreign exchange charge is, without question, a commuted long-distance toll charge, or a commutation telephone rate, and a very material concession from the regular or standard charge, and comes within the provisions of section 345.

"Commutation tickets enable people in suburban areas near the city to obtain transportation daily between such areas and the city at less than the regular passenger fares. Commuted long-distance toll charges, designated as foreign exchange service, enable people in suburban areas near the city to obtain telephone communication daily between such areas and the city at less than the regular toll charges. In both cases, the concessions represent a very material reduction from the regular fares or charges.

"Consequently, the issue with which we are empowered to deal is whether any unjust discrimination or undue preference results from what is proposed. It is clearly developed that unjust discrimination now exists in the matter of these foreign exchange charges, and it is not shown that there is any unjust discrimination under what is proposed, but, on the other hand, equality of treatment is provided for.

"I am, therefore, of the opinion that the situation, as developed, is not one which, on the facts before us, is taken out from under the decisions of the Board to which reference has been given, and that the application of the Town of Weston must be refused."

The application must be refused.

OTTAWA, September 10, 1938.

Commissioners Stoneman and Stone concurred.

ORDER No. 56428

In the matter of the application of the Township of Etobicoke, in the Province of Ontario, for an Order directing the Bell Telephone Company of Canada to make available to the telephone users in the area known as the "Islington District," in the said Township, a telephone service connected directly to a City of Toronto exchange.

Case No. 955.164.3

THURSDAY, the 15th day of September, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Toronto, June 23, 1938, in the presence of counsel for and representatives of the Township of Etobicoke and the Bell Telephone Company of Canada, the evidence offered and what was alleged; and upon reading the further written submissions and arguments, filed,—

It is ordered: That the application be, and it is hereby, refused.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 56363

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 30th day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1083, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1083 approved herein, are as follows:—

From	Cents per barrel	
	L.C.L.	C.L.
Ellershouse, N.S. }	37½	28
Newport, N.S. }		
Windsor, N.S. }		
Falmouth, N.S. }	39	29
Mount Densen, N.S. }		
Hantsport, N.S. }		
Avonport, N.S. }		
Horton Landing, N.S. }		
Grand Pré, N.S. }	40½	31½
Wolfville, N.S. }		
Port Williams, N.S. }		
Kentville, N.S. }	42½	32½
Coldbrook, N.S. }		
Cambridge, N.S. }	45	34½
Waterville, N.S. }		
Berwick, N.S. }		
Aylesford, N.S. }		
Auburn, N.S. }	46½	35½
Kingston, N.S. }		
Wilmot, N.S. }		
Middleton, N.S. }		
Brickton, N.S. }		
Laurencetown, N.S. }		
Paradise, N.S. }	48	37½
Bridgetown, N.S. }		
Tupperville, N.S. }		
Roundhill, N.S. }		
Annapolis Royal, N.S. }		
Clementsport, N.S. }		
Deep Brook, N.S. }	51½	40
Bear River, N.S. }		
Digby, N.S. }		
North Range, N.S. }		
Weymouth, N.S. }		
Church Point, N.S. }		
Meteghan }		
Hectanooga, N.S. }	55	44
Brazil Lake, N.S. }		
Ohio, N.S. }		
Hebron, N.S. }		
Yarmouth, N.S. }		
Brooklyn, N.S. }		
Scotch Village, N.S. }	40½	31½
Mosherville, N.S. }		
Clarksville, N.S. }	42½	32½
Kennetcook, N.S. }		
South Maitland, N.S. }		
Clifton, N.S. }	46½	35½
Lower Truro, N.S. }		

From	Cents per barrel	
	L.C.L.	C.L.
Mill Village, N.S. }	45	34½
Centreville, N.S. }		
Sheffield Mills, N.S. }		
Hillaton, N.S. }		
Canning, N.S. }		
Kingsport, N.S. }	45	34½
Billtown, N.S. }		
Lakeville, N.S. }		
Woodville, N.S. }		
Grafton, N.S. }		
Somerset, N.S. }	46½	35½
Weston, N.S. }		

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56365

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 31st day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Item 448 of Supplement No. 29 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Item 448 of Supplement No. 29 to Tariff C.T.C. No. 1006, approved herein, is 180 cents per ton of 2,240 pounds.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56366

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 31st day of August, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 1 to Tariff C.T.C. No. 1083, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, the normal tolls on traffic carried under the said Supplement No. 1 to Tariff C.T.C. No. 1083, approved herein, are as follows:—

From	Cents per barrel
Ellerhouse, N.S.	23
Newport, N.S.	22½
Windsor, N.S.	23½
Hantsport, N.S.	24½
Avonport, N.S.	26½
Port Williams, N.S.	27½
Kentville, N.S.	29½
Coldbrook, N.S.	32
Berwick, N.S.	36
Aylesford, N.S.	23½
Kingston, N.S.	24½
Wilmot, N.S.	27½
Annapolis Royal, N.S.	26½
Clementsport, N.S.	26½
Digby, N.S.	26½
North Range, N.S.	26½
Yarmouth, N.S.	26½
Brooklyn, N.S.	26½
Mosherville, N.S.	26½
Clarksville, N.S.	26½
Kennetcook, N.S.	26½
South Maitland, N.S.	26½
Lower Truro, N.S.	26½
Mill Village, N.S.	26½
Kingsport, N.S.	26½
Billtown, N.S.	26½
Grafton, N.S.	26½
Somerset, N.S.	26½
Weston, N.S.	26½

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56377

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 2nd day of September, A.D. 1938.

S. J. McLEAN, Assistant Chief Commissioner.

G. A. STONE, Commissioner.

The Board orders:

1. That the toll published in Item 140-F of Supplement No. 16 to Tariff C.T.C. No. E-4645, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 140-F of Supplement No. 16 to Tariff C.T.C. No. E-4645, approved herein, is 6¼ cents per 100 pounds.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56378

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant Company", under Section 276 of the Railway Act, for authority to open for the carriage of traffic its line of railway, the revised location of which between Mileage 99.4 and Mileage 101.82, Mountain Subdivision, in the Province of British Columbia, was approved by Order of the Board No. 54197, dated April 20th, 1937.

File No. 21029.8

FRIDAY, the 2nd day of September, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

Upon the recommendation of the Chief Engineer of the Board:—

It is ordered:

That the Applicant Company be, and it is hereby, authorized to open for the carriage of traffic its line of railway, the revised location of which between Mileage 99.4 and Mileage 101.82, Mountain Subdivision, in the Province of British Columbia, was approved by Order No. 54197, dated April 20th, 1937.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56381

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 2nd day of September A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.T.C. No. 1082, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act, the said company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1082, approved herein, are as follows:—

From		Cents per barrel	
		Tariff	Normal
Ellershouse, N.S.	}	15	18
to Newport, N.S.			
Windsor, N.S.	}	15	18
to Hantsport, N.S.			
Avonport, N.S.	}	15½	18½
to Port Williams, N.S.			
Kentville, N.S.	}	16	19½
Coldbrook, N.S.			
to Berwick, N.S.	}	18	21½
Aylesford, N.S.			
to Kingston, N.S.	}	18½	22½
Wilmot, N.S.			
to Annapolis Royal, N.S.	}	20	24½

From		Cents per barrel Tariff	Normal
Clementsport, N.S.	}	22	27
to Digby, N.S.			
North Range, N.S.	}	25½	31
to Yarmouth, N.S.			
Brooklyn, N.S.	}	15½	18½
to Mosherville, N.S.			
Clarksville, N.S.	}	16	19½
to Kennetcook, N.S.			
South Maitland, N.S.	}	18½	22½
to Lower Truro, N.S.			
Mill Village, N.S.	}	18	21½
to Kingsport, N.S.			
Billtown, N.S.	}	18	21½
to Grafton, N.S.			
Somerset, N.S.	}	18½	22½
to Weston, N.S.			

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56380

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

SATURDAY, the 3rd day of September, A.D. 1938.

S. J. McLEAN, Assistant Chief Commissioner.

G. A. STONE, Commissioner.

The Board orders:

1. That the tolls published in Supplement No. 48 to Tariff C.T.C. No. E-4322, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under said supplement No. 48 to Tariff C.T.C. No. E-4322, approved herein, are as follows:—

To	Cents per 100 Pounds
Andover, N.B.	15½
Aroostook, N.B.	16½
Bath, N.B.	15½
Florenceville, N.B.	14½
Fredericton, N.B.	11
Grand Falls, N.B.	16½
Hartland, N.B.	14½
Limestone, N.B.	16½
Perth, N.B.	15½
Plaster Rock, N.B.	16½
River de Chute, N.B.	15½
Tobique Narrows, N.B.	* 15½
Tobique Narrows, N.B.	** 16½
Upper Kent, N.B.	15½
Woodstock, N.B.	14½

* From Fairville, N.B.

** From Saint John, N.B.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56388

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 7th day of September, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 104 of Supplement No. 24 to Tariff C.T.C. No. 907, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. AND THE BOARD hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 104 of Supplement No. 24 to Tariff C.T.C. No. 907, approved herein, is 12 cents per 100 pounds.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56389

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 7th day of September, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered:

That the tolls published in the following tariffs filed by the Canadian National Railways, under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 53 to C.T.C. No. E-1911.

Supplement 16 to C.T.C. No. E-2474.

Tariff C.T.C. No. E-2839.

Tariff C.T.C. No. E-2842.

S. J. McLEAN,

Assistant Chief Commissioner.

ORDER No. 56395

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 9th day of September, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 3110B of Supplement No. 14 to Tariff C.T.C. No. E-4840, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. AND THE BOARD hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 3110B of Supplement No. 14 to Tariff C.T.C. No. E-4840, approved herein, are as follows:—

To	Cents per 100 Pounds
Edmundston, N.B.	30½
Grand Falls, N.B.	29
Perth, N.B.	27½
Woodstock, N.B.	25

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56401

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 13th day of September, A.D. 1938.

S. J. McLEAN, Assistant Chief Commissioner.

G. A. STONE, Commissioner.

It is ordered:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 3 to Tariff C.T.C. No. E-2745.

Supplement No. 10 to Tariff C.T.C. No. E-2762.

S. J. McLEAN,
Assistant Chief Commissioner.

ORDER No. 56427

In the matter of the application of the Express Traffic Association of Canada, under Sections 322 and 360 of the Railway Act, for approval of proposed Supplement No. 10 to Express Classification for Canada No. 8, on file with the Board under file No. 4397-122:

WEDNESDAY, the 21st day of September, A.D. 1938.

F. N. GARCEAU, K.C., Deputy Chief Commissioner.

J. A. STONEMAN, Commissioner.

G. A. STONE, Commissioner.

Whereas notice has been given by the Express Traffic Association of Canada in the *Canada Gazette*, as required by section 322 of the Railway Act and copies of the said supplement furnished to the parties named in the General Orders of the Board Nos. 271, 348, 353, 469, and 471, with the request that their objections, if any, be filed with the Board within thirty days; no one offering any objection; and upon the recommendation of the Director of the Board's Traffic Department,—

It is ordered: That the said Supplement No. 10 to Express Classification for Canada No. 8, one file with the Board under file No. 4397.122, be, and it is hereby, approved, subject to the following change:—

Page 22, Item 12-C, should be amended to read—

Eggs—	Rate
Cooked	1
Hatching, in solid wooden cases of not less than 12 dozen capacity, or in cases complying with paragraph (i) or (j) of this item. Subject to the billing weights prescribed for market eggs	2
Hatching, when not so packed	1
Market	2
N.O.S.	2

F. NAP. GARCEAU,
Deputy Chief Commissioner.

GENERAL ORDER No. 577

In the matter of the application of Canadian Industries Limited for permission to make shipments of fuse powder from Beloeil to Staynerville, Quebec, in boxes manufactured in accordance with C.R.C. Specification No. 14, containing two cloth bags each holding twenty-five pounds of powder.

File No. 1717.44

TUESDAY, the 6th day of September, A.D. 1938.

S. J. McLEAN, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

Upon the consent of The Railway Association of Canada, filed, and the report and recommendation of the Chief Operating Officer of the Board,—

It is ordered: That the Regulations for the Transportation of Explosives by Freight, approved by General Order No. 204, dated August 11, 1917, as amended, be, and they are hereby, further amended by adding the following after paragraph No. 1534 in Section 2 of the regulations, namely:—

“1534a. Black fuse powder may also be packed for shipment in cloth bags, of capacity not exceeding 25 pounds net weight, provided the completed shipping package shall be capable of standing a drop of four feet without rupture of inner or outer containers; the bags to be packed in wooden boxes, Specification 14. The completed package shall not contain more than fifty pounds net weight of black fuse powder.”

S. J. McLEAN,

Assistant Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS, JULY, 1938

Railway accidents.. . . .	142 with 22 killed and 138 injured
Railway accidents at highway crossings.. . . .	18 with 6 killed and 18 injured
	Killed Injured
Passengers.. . . .	1 33
Employees.. . . .	5 73
Others	22 50
	<hr/>
	28 156

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

QUEBEC

Accidents	K.	I.	
1	—	2	Horse-drawn—Driver of vehicle attempted to cross tracks ahead of vehicle approaching train and was truck.
1	—	1	Auto truck —Auto truck driver failed to stop when he was aware of approaching train. Licence Que. F-1529.

ONTARIO

Accidents K. I.

1	-	1	Automobile	—Collision between automobile and track motor car. Licence Ont. 895-H-5.
1	1	-	Automobile	—Automobile drove on to crossing in front of approaching train and was struck. Licence Ont. 4-B-298.
1	-	1	Automobile	—Automobile drove on to crossing in front of approaching train and was struck. Licence Ont. 8-M-421.
1	-	1	Automobile	—Automobile drove on to crossing in front of approaching train and was struck. Licence Ont. 4-B-130.
1	-	2	Automobile	—Automobile drove on to crossing in front of approaching train and was struck. Licence Ont. 602-K-4.
1	-	2	Automobile	—Automobile driver, who had his attention fixed on cow at crossing, failed to observe approaching train and was struck. Licence Ont. 21-N-54.
1	-	1	Bicycle	—Cyclist failed to observe approaching train and was struck.
1	2	-	Automobile	—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 3-P-838.
1	-	1	Automobile	—Automobile drove on to crossing in front of approaching train and was struck. Licence Ont. 990-X-1.
1	-	1	Automobile	—Automobile driver, who was hard of hearing and who had poor eyesight, drove on to crossing in front of moving freight cars, and was struck. Licence Ont. 769-A-5.

MANITOBA

1	-	1	Auto truck	—Auto truck attempted to beat train over crossing and was struck. Licence Man. T-1341.
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SASKATCHEWAN

1	3	-	Automobile	—Automobile drove on to crossing in front of approaching train and was struck. Licence Sask. 32932.
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ALBERTA

1	-	1	Tractor	—Tractor struck by train.
1	-	1	Auto truck	—Auto truck driver drove on to crossing in front of approaching train and was struck. Licence Alta. C-6529.

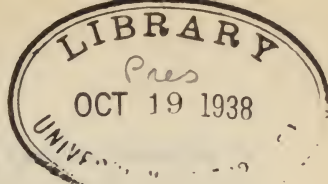
BRITISH COLUMBIA

1	-	1	Auto truck	—Auto truck backed into track motor car; truck driver failed to take necessary precaution in moving about railway crossing. Licence B.C. CB-229.
1	-	1	Automobile	—Automobile driver disregarded bell and wigwag signals; auto struck by train. Licence B.C. 64-152.

Of the 18 accidents at highway crossings, 17 occurred at unprotected crossings and 1 at a protected crossing.

Fourteen of the accidents occurred after sunrise, and four after sunset.

SEPTEMBER 12th, 1938.



The Board of

Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

XXVIII

Ottawa, October 15, 1938

No. 15

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Application of the Canadian National Railways for leave to abandon the operation of its Frelighsburg Subdivision, in the Province of Quebec, between Farnham, Mileage 17·9, and Frelighsburg, Mileage 0·0, a total distance of 17·9 miles.

File 39310.1

Heard at Farnham, Que., May 14, 1935.

Heard at Farnham, Que., June 15, 1938.

JUDGMENT

STONE, COMMISSIONER:

The first application made by the Canadian National Railways for permission to abandon that portion of its line between Farnham and Frelighsburg involved 18·4 miles and was made under section 165A of the Railway Act; section 2, subsection (3) of the Canadian National-Canadian Pacific Act, 1933, and all other appropriate statutory provisions.

After investigation by officers of the Engineering and Operating Departments of the Board, the case was heard at Farnham, Que., on the 14th day of May, 1935.

Judgment was uttered by the Deputy Chief Commissioner on September 12, 1935, but the opinion of the majority of the members of the Board who heard the case was not in agreement with certain of the observations made in that judgment. As, however, representations had been made on behalf of business and farming interests, principally from the Frelighsburg district, that in view of alleged prospective increase in rail traffic, the abandonment should be delayed for at least two years, it was decided eventually that abandonment of this line should be postponed, with the result that Order of the Board No. 52425 issued on the 4th day of November, 1935, refusing the application of the Canadian National Railways.

The present application is similar to the one made by the Railway Company in December, 1934, but involves 17·9 miles of track instead of 18·4 miles. After further investigation by the officers of the Board, the case was again heard at Farnham, Que., on June 15, 1938, when counsel appeared for the applicant, and Mr. Louis Gosselin, M.P., on behalf of the municipalities and shippers concerned.

Submissions were presented by the applicant as follows:—

Date	Total Car Loadings	Total Revenue	Expenses	System Loss
May, 1930, to May, 1931 ...	468	\$33,656 00	\$36,670 00	\$ 3,014 00
1933..	103	4,683 00	17,059 00	12,376 00
1934..	109	6,012 00	12,006 00	5,994 00
1935..	95	6,052 00	11,090 00	5,038 00
1936..	113	7,231 00	15,047 00	8,176 00
1937..	91	6,081 00	14,244 00	8,163 00

During the period recorded above the system loss amounted to \$42,761. The witnesses examined submitted evidence that in an effort to meet the yearly losses, track and station maintenance had been curtailed to the minimum, with the result that if operation is to continue twenty-one wooden bridges, which range from 6 to 32 feet in width, will require to be rebuilt, and the present 56-pound and 65-pound rails which were rolled in 1872 will have to be replaced. Additional ballast is necessary and renewal of 10,000 to 12,000 railway ties, involving an expenditure of approximately \$82,500.

Superintendent Gain explained that the railway business dropped as the buses and trucks gradually increased. He stated that prior to June, 1931, there was a regular mixed train service (daily except Sunday), leaving Frelighsburg in the morning. On account of the decrease in rail traffic, a gas car was operated tri-weekly from June 28, 1931; then the railway put in a service leaving at 1.45 p.m. and back to St. John. After trying this service for three months, there being no business to justify its continuation, it was discontinued, including express and mail service. A weekly service on Friday afternoon was established up to and including November, 1933, when it was changed to the present service operating out of Farnham Saturday evening, returning the same night.

Mr. Arthur Methy, partner in the firm of Lussier & Company, lumber merchants near Frelighsburg, examined by Mr. Gosselin, contended that the train service was unsatisfactory and that his company lost business because the railway company did not furnish sufficient empty cars and that they had lost the sale of three cars of lumber in November, 1937, on that account. They had about thirty carloads offering for 1938, and about forty carloads in yard already sawed which had to be dried. Maple wood, used by a firm at Cowansville for heels for shoes, is exhausted, but Messrs. Lussier & Company ship firewood, slabs, ties, and bark.

Mr. Maurice Poulin, secretary and manager of the Frelighsburg Co-operative, stated that they organized in 1936 and would prefer to ship by rail, but had no difficulty in getting trucks.

In his argument before the Board, Mr. Gosselin referred to agreements entered into by the railway with the Government and the municipalities, which had to be fulfilled. He admitted that these agreements were susceptible of a liberal or a generous, broad interpretation, but he did not think, in the light of the most generous interpretation placed upon the agreement, that an indication of the railway losing money would be a justifiable reason for abandonment of the railway line. He contended that the railway was responsible for loss of traffic by failing to furnish the public with more frequent service, and referred specifically to hay shipped from the vicinity of Frelighsburg to Alberta by the Canadian Pacific Railway, which should have been shipped over the Canadian National Railways' line. Questioned by Commissioner Stoneman as to trucks operating regularly, Mr. Gosselin replied, "Yes, all over." (Evidence Vol. 651, p. 835.)

The segment of line involved in this application, lying between Farnham and Stanbridge East, is paralleled by the Canadian Pacific Railway to the west at a maximum distance of four miles and by improved highways on both sides, crossing this part of the line at Riceburg, Durocher, and Guerin.

From Stanbridge East to Frelighsburg the distance by rail is shown as 6.20 miles. There are two improved highways extending from the United States boundary into Frelighsburg, and connecting roads from there east to Dunham, and west to Stanbridge, connecting at both places with through surfaced Highway No. 52, and at Stanbridge with the Canadian Pacific Railway.

Frelighsburg has a population of about 300, and is the principal point of freight shipments on the line. By highway it is approximately 14 miles from the Canadian Pacific Railway station at Stanbridge. The total car loadings out of this station were shown as follows:—

Year	In	Out	Total
May, 1930, to April, 1931	56	153	209
1933	16	48	64
1934	22	45	67
1935	34	23	57
1936	51	40	91
1937	32	30	62

Of this number, Mr. Arthur Methy filed copies of bills of lading showing shipments made by the firm of Lussier & Company in the following years: March 2 to December 20, 1935, 25 cars; January 24 to December 18, 1936, 18 cars; January 29 to December 11, 1937, 19 cars. Four cars were also shipped between February 25 and March 27, 1938.

Business previously handled by rail has been diverted to automobiles, trucks, and buses, and the discontinuance of the present rail service may inconvenience some shippers, but future prospective business on this line does not, in my opinion, warrant continued operation.

As set forth in the judgment issued on December 16, 1935, on the application of the Canadian Pacific Railway Company for authority to abandon that portion of the Orford Mountain Railway between the International Boundary and the town of Eastman, Que. (C.R.C. Vol. 45, pp. 89-90):—

“Various judgments have been issued by the Board granting applications for abandonment of lines since section 165A was enacted. The question as to whether abandonment should be allowed was determined by the circumstances in each case. No principle is defined by the Railway Act upon which the Board should be governed in dealing with such cases; and, as stated in previous judgments, it is not the function of the Board to pass upon the constitutionality or validity of legislation, whether Dominion or provincial.”

Section 165A of the Railway Act, which became effective May 23, 1933 (Chap. 47, 23-24 Geo. V), could not be made applicable to any railway company to which a subsidy had been granted and paid under a subsidy contract (at a time when motor car traffic was practically unknown), if at present a reasonable and liberal interpretation cannot be placed on such agreements.

The system loss has not decreased since Order of the Board No. 52425 issued on the 4th day of November, 1935, but shows a substantial increase. Therefore, considering all the facts involved, I would grant the application of the Canadian National Railways, to become effective ninety days from the date that order issues, without prejudice to whatever rights or remedies may be open to the parties in courts of competent jurisdiction as to the terms of any existing agreements.

OTTAWA, September 8, 1938.

Commissioner Stoneman concurred.

Application of the Canadian National Railways for leave to abandon the operation of its Frelighsburg Subdivision, in the province of Quebec, between Farnham, mileage 17.9, and Frelighsburg, mileage 0.0, a total distance of 17.9 miles.

File No. 39310.1

GARCEAU, DEPUTY CHIEF COMMISSIONER (dissenting):

This application is the same as the one made by the Canadian National Railways in 1934 and dismissed by a judgment of the Board under date of September 15, 1935.

The line that it is proposed to abandon runs from West Farnham through the municipalities of Guerin, Durocher, Stone, Riceburg, Stanbridge East, Hunter's Siding, and Frelighsburg.

In order to decide this problem and to deal fairly with the application, it is necessary to recall the conditions under which the first application was made.

To-day, as in 1933-34, there is only one freight train leaving Farnham on Saturday for Frelighsburg and returning the same evening. Formerly, in 1930-31, there was a daily train service and, according to the statement filed at the first hearing, the railway's earnings for that year amounted to \$33,657, and its expenses to \$36,670, a net loss of \$3,013 for that year.

In 1933, when the railway had discontinued this regular daily service to adopt the present service of one train per week, on Saturday evening, the revenues decreased to \$4,683, while the expenses were \$17,059, a deficit of \$12,376.

With its present application the railway filed statements showing the revenues and expenditures for the years 1935, 1936 and 1937. It appears from those statements that the earnings for the year 1935 were \$6,052, while the expenditures amounted to \$11,090, a deficit of \$5,038; for 1936, the revenues were of \$7,231, and the expenditures of \$15,407, a deficit of \$8,167. In 1937, the earnings amounted to \$6,081 and the expenditures to \$14,244, a deficit of \$8,163.

These statements show that when the railway provided a daily service, in 1930 and 1931, the deficit was only \$3,013, the earnings being more than \$33,000, and the expenditures a little more than \$36,000, as mentioned above.

It should be noted that the railway filed no statement of its revenues prior to 1931, which would lead to believe that, before the depression, with a more frequent service, this branch line operated without loss, possibly at a profit.

These statements for the years 1930-31 and for 1933 show that the railway has not improved its situation by cutting down its service to the minimum, for its loss for 1933 was \$12,376 in comparison to \$3,013 for 1931.

At the hearing on the first application, numerous persons appearing before the Board foretold that, with improved conditions and, more particularly, with a better service, the railway's earnings would increase materially.

The last statements filed show that these people were right, for the revenues for the years 1935, 1936, and 1937 are proportionately higher. They increased to \$6,052 in 1935, that is to say an increase of about 25 per cent over 1933; in 1936 they went up to \$7,231, an increase of 50 per cent over 1933, and about 17 per cent over 1936. In 1937 there was a slight drop, the revenues being about the same as those of 1935. As a matter of fact, this decline prevailed everywhere.

What would have happened had the railway followed the advice then given of improving the service? Surely, past experience would indicate that the deficits would have been less and perhaps would have been compensated by the revenues.

The evidence has shown that the company not only did nothing towards improving its service but failed to give the shippers the facilities they required.

Mr. Methy asserts that in spite of repeated requests, he was unable to obtain the cars necessary for his shipments of wood, with the result that he lost the sale of his wood which he cannot sell at the present time owing to market conditions.

Mr. Gosselin affirms—and the company does not deny this—that with the required service, dozens and dozens of carloads of hay consigned to Saskatchewan would have been shipped on the railway; that most of these loads passed the station of Frelighsburg and went 14 miles farther, to the C.P.R. station. The minimum capacity of a carload of hay being 22,000 pounds and the special tariff on hay $52\frac{1}{2}$ c per 100 lbs., this means that each carload could have brought in to the company a revenue of at least \$115.

Is the railway company justified in asking the Board for leave to abandon the operation of its line on account of operating deficits, when it is established that it made no attempt whatever to improve the situation, either by supplying all the cars that were required for the traffic, or even by improving its service when the circumstances required it.

Furthermore, as I stated in my judgment in 1935, the Board of Railway Commissioners is the authority constituted by Parliament to see that the railways fulfil their obligations towards the public, give the proper service; and it is unquestionably the duty of the Board to find out any reason why this application for abandonment should not be granted. Otherwise, railway companies would be able, at their discretion, to abandon the operation of any line, by creating conditions which would bring in deficits.

It is evident in this case that the company has not made any attempt to improve its situation and to get more traffic from this region by any of the means at its disposal.

I submit that when a railway company applies for leave to abandon the operation of a line or part of a line of railway, it must establish not only that it suffers deficits, but also that, no matter what rates and what facilities as to service it provided, deficits would still be incurred and that public weal would be better served by the abandonment.

In the present case, the company has not even endeavoured to show that no matter how they tried to improve conditions, the results would have been the same or worse.

Moreover, the company filed, on special request, a detailed statement of its expenditures, showing the wages paid in 1935, 1936 and 1937, as follows:—

In 1935.. . . .	\$6,946 29
In 1936.. . . .	8,179 21
In 1937.. . . .	8,979 01

in other words, \$24,104.51 were paid in wages for these years. The deficits for the three years amounted to \$23,377, which means that, had the first application been granted, the company would have saved \$23,377, but labour would have lost \$24,104.51.

The Canadian Government considers it to be in the public interest, and rightly so, to spend millions of dollars to give work to the unemployed in enterprises often rather sumptuous, but labour, industry and agriculture profit from money spent to provide a railway service.

Is there any enterprise where 100 per cent of the amount spent goes directly to the wage-earners? Experience shows the contrary; there are the contractor's profits, the rental of machines, etc., and it is very seldom that labour benefits by more than from 30 per cent to 50 per cent of the amount disbursed.

By granting the application, the Government would save \$7,000 or \$8,000 a year, but a certain number of employees would lose their jobs and thereby increase the number of unemployed that the State is trying to reduce. This would be rather illogical and, in my opinion, unfair to the employees.

A railway employee's position is his wealth, which, to acquire and keep, has exacted from him great care, attention, efficiency, personal risks; it is his property and, if he is dispossessed, for public convenience, he is entitled, as any other property owner, to adequate compensation.

It is his all; he has toiled during years, believing, as he was led to believe when he entered the railway's service, that, so long as he would be a reliable, faithful employee, he would keep this bread-earning position.

There is no reason why the general principle of law and equity that no one can be compelled to give up his property (wealth) for public utility without adequate compensation should not apply to this case.

Sir Edward Beatty, when supporting cancellation of lines, always supposes that employees would be provided for in some way.

The railway employee is a *public servant*, having under his responsibility and care the safety of the public.

Injustice to its servants can never profit the public, and I would say that no abandonment should be granted unless the Board is satisfied that employees suffering from this measure are properly provided for.

It was alleged as further argument that the line was in great need of repairs which would necessitate an outlay of \$80,000 or a little more, and that, moreover, the light engines now in use on this branch line were old and that it was not the intention to replace them.

With regard to the first objection, I would say this; even if the sum of \$80,000 were spent on that line within the next few years to restore it, these expenditures could be considered as an investment since they would increase by that amount the value of this railway line.

Even if we are not ready to accept this view, the Railway's report for the year 1934 shows at pp. 3 and 4 that wages represent a proportion of 81.17 per cent of all expenditures made.

These works would remedy the unemployment situation and, more than in any other enterprise, the amount incurred would go to labour in a greater proportion than in any other enterprise.

There still remains the other objection: that the day is not far distant when light engines will be replaced. Is that objection well founded?

I would remind the railway of certain suggestions made in the report of Mr. Joseph Eastman, (U.S. Federal Coordinator) of July 1935:—

"Railway service is potentially the fastest of all land transport, but is now actually far slower than highway service and little, if any, faster than water transport and pipe lines.

For years, railroad management has had its attention centered on bigness, and has constantly striven for longer trains, requiring larger locomotives to haul them and heavier tracks to carry them.

The whole object was to substitute mechanical contrivances for human labor, by doubling the size of trains and laying off crews.

The net results of all this is a Frankenstein that is devouring the revenues of the railroads and at the same time driving their best customers to other forms of transport.

Having adopted big equipment and long trains, the managements, naturally, are anxious to use them. This results in costly loss of time through infrequent schedules and terminal delays in assembling and reassembling cars, thus depriving the carriers of their natural speed superiority.

The railroad doctrine that a long train is an economical train is a fallacy. The development of a system of light-powered, short trains for carlot traffic as well as for high speed service is suggested.

Excepting for local carriage in terminal areas, railroad service is not only faster but also *cheaper* than highway transport."

The railways in the past helped greatly in the development of the country and progressed while operating light, fast trains; internal trade, at least in the Eastern part of the country, still requires such a service.

It would appear, therefore, to be in the interest of the railways to renew this light material, to repair their lines, to canvass the trade and provide a convenient service.

The Canadian National Railways' report of 1935, states at page 14:—

“It is becoming increasingly certain that any substantial improvement in net earnings can be secured in no other way than by increased volume of traffic and, in the opinion of the Trustees, it is in the public interest that the way out of the present difficulties be found in an expansion of earnings rather than by way of a further curtailment of railway expenditures. The latter process is a *negative one*.

The railways had hesitated for quite some time before restoring excursion trains at reduced fares, but they have been profitable. The report above referred to, at p. 3, admits that fact.

From 1922 to 1929, the Canadian National Railways, by canvassing, advertising and providing a good service, received satisfactory earnings. The same policy should still produce the same results.

For these reasons and, more particularly, to prevent an increase in unemployment and distress, I think it is in the public interest that the application be dismissed.

OTTAWA, September 3, 1938.

Traduction

Requête de la compagnie des chemins de fer Nationaux du Canada, demandant l'autorisation de discontinuer l'exploitation de sa ligne sur sa subdivision de Frelighsburg, dans la province de Québec, entre Farnham, mille 17.9, et Frelighsburg, mille 0.0, soit un parcours total de 17.9 milles.

Dossier n° 39310.1

Entendue à Farnham, P.Q.....le 14 mai 1935

Entendue à Farnham, P.Q.....le 15 juin 1938

JUGEMENT

STONE, commissaire:—

La première requête de la compagnie des chemins de fer Nationaux du Canada pour être autorisée à discontinuer l'exploitation de cette partie de sa ligne entre Farnham et Frelighsburg, comportait un parcours de 18.4 milles et fut faite en vertu de l'article 165A de la Loi des chemins de fer, de l'article 2, paragraphe 3, de la Loi régissant les chemins de fer Canadien-National-Pacifique-Canadien, de 1933, ainsi qu'en vertu de toutes autres dispositions s'y rattachant.

A la suite d'une enquête faite par les officiers des Services du génie et de l'exploitation de la Commission, la cause fut entendue à Farnham, P.Q., le 14 mai 1935.

Jugement fut rendu par le commissaire en chef suppléant le 12 septembre 1935, mais la majorité des membres de la Commission qui entendirent la cause n'était pas d'accord avec certaines observations faites dans ce jugement. Toutefois, vu que des représentations avaient été faites au nom d'intéressés dans le commerce et l'agriculture, principalement du district de Frelighsburg, qu'en vue d'une augmentation en perspective alléguée du trafic ferroviaire l'abandon de la ligne devrait être retardé d'au moins deux ans, il fut dans la suite décidé

qu'on devrait remettre à plus tard l'abandon de cette ligne, avec le résultat que l'ordonnance de la Commission n° 52425 fut rendue le 4 novembre 1935 renvoyant la requête de la compagnie des chemins de fer Nationaux du Canada.

La présente requête est semblable à celle que fit la compagnie du chemin de fer en décembre 1934, mais comporte un parcours de 17.9 milles de voie ferrée au lieu de 18.4 milles. A la suite d'une autre enquête faite par les officiers de la Commission, la cause fut de nouveau entendue à Farnham, P.Q., le 15 juin 1938, alors qu'un avocat comparut pour la requérante, et M. Louis Gosselin, M.P., pour les municipalités et les expéditeurs concernés.

La requérante produisit l'état suivant:—

Date	Total des chargements	Revenu total	Dépenses	Perte du réseau
Mai 1930 à mai 1931.. . . .	468	\$33,656 00	\$36,670. 00	\$ 3,014 00
1933.. . . .	103	4,683 00	17,059 00	12,376 00
1934.. . . .	109	6,012 00	12,006 00	5,994 00
1935.. . . .	95	6,052 00	11,090 00	5,038 00
1936.. . . .	113	7,231 00	15,047 00	8,176 00
1937.. . . .	91	6,081 00	14,244 00	8,163 00

Durant la période ci-dessus mentionnée, la perte du chemin de fer s'est élevée à \$42,761. Les témoins qu'on a entendus déclarèrent que dans le but de faire face aux pertes annuelles on avait réduit au minimum les dépenses d'entretien de la voie et des stations, avec le résultat que si l'on doit continuer l'exploitation de cette ligne, il faudra reconstruire 21 ponts de bois variant de 6 à 32 pieds de long, et remplacer les rails actuels de 56 et 65 livres qui furent laminés en 1872. Il faudra ajouter du ballast et renouveler 10,000 à 12,000 dormants, ce qui comporterait une dépense d'environ \$82,500.

Le surintendant Gain a déclaré que les affaires du chemin de fer avaient diminué à mesure qu'augmentait le nombre des autobus et des camions. Il a dit qu'avant juin 1931, il y avait un service de trains mixtes régulier (tous les jours excepté le dimanche), et que les trains partaient de Frelighsburg le matin. A cause de la diminution du trafic ferroviaire, on mit en service trois fois par semaine un wagon à gazoline à partir du 28 juin 1931, et alors le chemin de fer mit en service un train qui partait à 1.45 heure de l'après-midi pour revenir à Saint-Jean. Après un essai de ce service durant trois mois, et vu qu'il n'y avait pas suffisamment de trafic pour justifier sa continuation, ledit service fut discontinué, y compris le service des messageries et des postes. On inaugura alors un service de trains hebdomadaire, le vendredi après-midi, qui fut en vigueur jusqu'au mois de novembre 1933 inclusivement, alors qu'il fut changé pour le service actuel qui consiste en un train qui part de Farnham dans la soirée du samedi pour y retourner le même soir.

M. Arthur Methy, membre de la maison Lussier et compagnie, marchands de bois, se trouvant près de Frelighsburg, interrogé par M. Gosselin, prétendit que le service des trains n'était pas satisfaisant et que les affaires de sa compagnie avaient diminué parce que le chemin de fer ne lui avait pas fourni suffisamment de wagons vides et qu'elle avait perdu la vente de trois wagons de bois de construction en novembre 1937 à cause de ce fait. Cette compagnie avait environ 30 chargements de wagons à disposer en 1938 et environ 40 chargements dans sa cour de bois déjà scié qui avait besoin d'être séché. Le bois d'érable dont une compagnie de Cowansville se servait pour la fabrication des talons de chaussures est épuisé, mais MM. Lussier et Compagnie expédient du bois de chauffage, des croûtes, des dormants et des écorces de bois.

M. Maurice Poulin, secrétaire et gérant de la Coopérative de Frelighsburg, a déclaré que celle-ci avait été organisée en 1936 et qu'elle préférerait expédier par le chemin de fer, mais qu'elle n'éprouvait pas de difficulté à avoir des camions.

M. Gosselin, au cours de son argument qu'il exposa à la Commission, fit allusion aux contrats intervenus entre le chemin de fer, le gouvernement et les municipalités, lesquels devaient être remplis. Il admit que ces contrats étaient sujets à une interprétation large, libérale ou généreuse, mais qu'il ne croyait pas, avec la plus généreuse interprétation donnée aux contrats, qu'une indication que le chemin de fer perdait de l'argent serait une raison justifiable pour abandonner cette ligne de chemin de fer. Il prétendit que le chemin de fer était responsable de la perte de trafic en faisant défaut de fournir au public un service de trains plus fréquent, et fit allusion spécifiquement au foin expédié du voisinage de Frelighsburg en Alberta par le Pacifique-Canadien, lequel foin aurait dû être expédié par la ligne du National-Canadien. A la question posée par M. le commissaire Stoneman si les camions donnaient un service régulier, M. Gosselin répondit: "Oui, partout." (Preuve, Vol. 651, p. 835.)

La partie de la ligne dont il est question dans la présente requête, entre Farnham et Stanbridge-Est, est parallèle à celle du Pacifique-Canadien à l'ouest à une distance au plus de quatre milles et à des routes améliorées des deux côtés, lesquelles croisent cette partie de la ligne à Riceburg, Durocher et Guérin.

De Stanbridge-Est à Frelighsburg, le parcours par rail est indiqué comme étant de 6.20 milles. Il y a deux routes améliorées qui vont de la frontière américaine à Frelighsburg et des chemins allant de là vers l'est jusqu'à Dunham et vers l'ouest jusqu'à Stanbridge se raccordant aux deux endroits avec la route pavée n° 52 et à Stanbridge avec le chemin de fer Pacifique-Canadien.

Frelighsburg compte une population d'environ 300 habitants et est le principal centre des expéditions par fret sur la ligne. Par la route, cette localité se trouve située à environ 14 milles de la station du Pacifique-Canadien à Stanbridge. Le total des chargements provenant de cette station est indiqué comme suit:—

Année	Entrés	Sortis	Total
Mai 1930 à avril 1931	56	153	209
1933	16	48	64
1934	22	45	67
1935	34	23	57
1936	51	40	91
1937	32	30	62

De ce nombre de wagons, M. Arthur Methy produisit des copies de renseignements montrant les expéditions effectuées par la maison Lussier et Compagnie au cours des années suivantes:—

Du 2 mars au 20 décembre 1935.....	25 wagons
Du 24 janvier au 18 décembre 1936.....	18 "
Du 29 janvier au 11 décembre 1937.....	19 "

Quatre wagons furent aussi expédiés entre le 25 février et le 27 mars 1938.

Le trafic qui allait autrefois au chemin de fer est maintenant pris par les automobiles, les camions et les autobus, et la discontinuation du service ferroviaire actuel peut incommode certains expéditeurs, mais les affaires en perspective pour l'avenir sur cette ligne ne justifient pas, à mon avis, la continuation de son exploitation.

Tel qu'exposé dans le jugement rendu le 16 décembre 1935 relativement à la requête de la compagnie du chemin de fer Pacifique-Canadien pour être autorisé à discontinuer l'exploitation de la partie de sa ligne Orford Mountain entre la frontière internationale et la ville d'Eastman, P.Q. (C.R.C., Vol. 45, pp. 89-90):—

"Depuis que l'article 165-A a été adopté, la Commission a rendu divers jugements accordant des requêtes d'abandon d'exploitation de lignes. La question de savoir si la Commission devait autoriser l'abandon d'exploitation était déterminée par les circonstances, dans chaque cas. La Loi des

chemins de fer ne définit pas de principe devant guider la Commission pour juger de tels cas; et, tel que mentionné dans des jugements précédents, il n'appartient pas à la Commission de juger de la constitutionnalité ou la validité de la législation, qu'elle soit fédérale ou provinciale."

L'article 165-A de la Loi des chemins de fer qui est devenu en vigueur le 23 mai 1933 (chap. 47, 23-24 Geo. V), ne saurait s'appliquer à une compagnie de chemin de fer à qui un octroi aurait été accordé et payé en vertu d'un contrat (à une époque où la circulation des véhicules-moteurs était pour ainsi dire inconnue), si actuellement une interprétation raisonnable et libérale ne pouvait être donnée à tels contrats.

Les pertes du réseau n'ont pas diminué depuis que l'ordonnance de la Commission n° 52425 a été rendue le 4 novembre 1935, mais indiquent plutôt une augmentation substantielle. Par conséquent, considérant tous les faits impliqués, j'accorderais la requête des chemins de fer Nationaux du Canada; l'ordonnance à être rendue devenant en vigueur quatre-vingt-dix jours après la date de son émission, et ce sans préjudice aux droits ou recours quelconques que les parties pourraient avoir devant les tribunaux de juridiction compétente quant à ce qui concerne les clauses de tous contrats existants.

OTTAWA, le 8 septembre 1938.

Le Commissaire Stoneman s'est rallié au jugement ci-dessus.

Requête des chemins de fer Nationaux du Canada, demandant l'autorisation de discontinuer l'exploitation de sa subdivision de Frelighsburg, dans la province de Québec, entre Farnham (mille 17.9) et Frelighsburg (mille 0.0) —soit une distance de 17.9 milles.

Dossier N° 39310.1

GARCEAU, commissaire en chef suppléant (Dissident)

La présente requête est la répétition de celle présentée par le Canadien National en 1934 et renvoyée par un jugement de la Commission en date du 15 septembre 1935.

La ligne de chemin de fer que l'on veut discontinuer d'exploiter part de West Farnham, traverse les municipalités de Guérin, Durocher, Stone, Riceburg, Stanbridge Est, Hunter's Siding et Frelighsburg.

Pour rendre justice à cette requête et au problème, il est à propos de se rappeler les conditions dans lesquelles la première requête a été présentée.

Aujourd'hui, comme en 1933-34, il n'y a qu'un convoi de fret qui part de Farnham le samedi soir et se rend à Frelighsburg et retourne dans la soirée. Antérieurement, en 1930-31, il existait un service quotidien, et le chemin de fer, d'après l'état soumis lors de la première enquête, profitait d'un revenu annuel de \$33,657; il dépensait cette même année \$36,670, accusant ainsi un déficit de \$3,013.

En 1933, alors qu'il avait abandonné ce service quotidien, régulier, pour adopter le service actuel, un train par semaine, le samedi soir, les revenus n'étaient plus que de \$4,683, tandis que les dépenses se montaient à \$17,059, déficit de \$12,376.

Accompagnant la présente requête, le chemin de fer a produit des états établissant les revenus et dépenses pour les années 1935, 1936 et 1937. Les revenus auraient été de \$6,052 pour l'année 1935, et les dépenses de \$11,090—déficit, \$5,038; pour l'année 1936, les revenus ont été de \$7,231, les dépenses de \$15,407—déficit \$8,167. En 1937, les revenus ont été de \$6,081, les dépenses de \$14,244, laissant un déficit de \$8,163.

Ces états démontrent que lorsque le chemin de fer donnait un service quotidien, de 1930 à 1931, le déficit n'était que de \$3,013, les recettes de plus de \$33,000, et les dépenses un peu plus de \$36,000, tel que mentionné plus haut.

Il faut remarquer que le chemin de fer n'a produit aucun état des revenus antérieurs à l'année 1931, ce qui fait supposer qu'avant la dépression, avec le service voulu, cet embranchement opérait sans déficit, peut-être avec un certain profit.

Ces états, 1930-31 et 1933, établissent que la compagnie du chemin de fer n'a pas amélioré sa situation en réduisant son service au minimum, car au lieu d'un déficit de \$3,013, en 1931, celui de 1933 a été de \$12,376.

Lors de l'audition sur la première requête, nombreuses furent les personnes venues devant la Commission qui prédisaient qu'avec des temps meilleurs et, surtout, un service meilleur, les affaires de la compagnie s'amélioreraient sensiblement.

Les derniers rapports produits démontrent que ces messieurs avaient raison, car les revenus pour les années 1935, 1936 et 1937, sont relativement plus considérables. Il y a eu progrès en 1935, les revenus étant de \$6,052, c'est-à-dire une augmentation d'environ 25% sur 1933; en 1936, \$7,231, soit une augmentation sur 1933 de 50%, environ 17% sur 1936. En 1937, il y a eu une légère récession, les revenus étant à peu près ceux de 1935. D'ailleurs ce phénomène a existé partout.

Que serait-il arrivé si le chemin de fer avait suivi les conseils alors donnés d'améliorer le service? Une chose certaine, si l'on en juge d'après l'expérience du passé, c'est que les déficits auraient été moindres et peut-être compensés par les revenus.

La preuve a démontré que la compagnie n'a rien fait non seulement pour améliorer son service mais pour donner avec le service actuel toutes les facilités possibles aux expéditeurs.

Monsieur Méthy déclare positivement que, malgré des demandes répétées, il n'a pu avoir les chars voulus pour expédier son bois, ce qui a été cause qu'il a perdu la vente de son bois et qu'il ne peut le vendre actuellement à cause du marché.

Monsieur Gosselin affirme, et la compagnie ne le contredit pas, qu'avec le service voulu la compagnie du chemin de fer aurait pu avoir des douzaines et des douzaines de chars chargés de foin, à destination de la Saskatchewan; que la plupart de ces chargements sont passés à la gare de Frelighsburg et sont allés à la gare du C.P.R., 14 milles plus loin. Or, le minimum d'un char de foin est de 22,000 livres et le tarif spécial était de 52½c. du 100 livres, ce qui fait que chaque char pouvait rapporter à la compagnie au moins \$115.

La compagnie du chemin de fer est-elle justifiable de venir demander à la Commission de lui permettre d'abandonner l'exploitation de sa ligne à cause de déficits lorsqu'il est établi qu'elle n'a tenté aucun effort pour améliorer la situation, soit en fournissant tous les chars dont le trafic avait besoin, soit encore en améliorant son service lorsque les circonstances le requéraient.

De plus, comme je le disais lors de mon jugement en 1935, la Commission des chemins de fer est l'autorité que le Parlement a constituée pour voir à ce que les chemins de fer remplissent leurs obligations vis-à-vis le public, à ce qu'ils donnent un service convenable, et il est incontestablement du devoir de la Commission de se renseigner sur tout motif pour lequel la requête d'abandon de cette ligne ne devrait pas être accordée.

Autrement, les compagnies de chemins de fer auraient la discrétion de cesser l'exploitation d'une ligne en créant des conditions qui amèneraient des déficits.

Il est évident, dans le cas actuel, que la compagnie n'a pas tenté de réagir, et d'absorber davantage le trafic de cette région par aucun des moyens à sa disposition.

Je soumets que lorsqu'une compagnie de chemin de fer demande de cesser l'exploitation de sa ligne ou de partie de sa ligne, elle doit établir non seulement

qu'elle subit des déficits mais aussi que, quels que fussent les moyens de transport et les taux offerts au public, elle subirait encore des déficits et que l'intérêt public serait mieux servi par l'abandon de sa ligne.

Dans la cause actuelle, la compagnie n'a rien fait, n'a pas même tenté d'établir que quels que fussent ses efforts, le résultat aurait été le même ou pis.

Mais il y a plus, la compagnie a produit sur requête spéciale un détail de ses dépenses, établissant quels étaient les salaires payés en 1935, 1936, 1937; ils sont les suivants:

En 1935..	\$6,946.29
En 1936..	8,179.21
En 1937..	8,979.01

soit \$24,104.51 pour ces années, en salaires. Les déficits pour les trois ans se sont montés à \$23,377; ce qui veut dire que si la première requête eut été accordée, la compagnie aurait économisé \$23,377, et le travailleur aurait perdu \$24,104.51.

Le gouvernement du Canada considère de l'intérêt public, et justement, de dépenser des millions pour donner de l'ouvrage aux sans-travail dans des entreprises souvent plutôt somptueuses, tandis qu'un service de chemin de fer profite à l'industrie, à l'agriculture.

Y a-t-il une entreprise quelconque où 100% du montant dépensé va directement aux salariés? L'expérience est là pour démontrer le contraire; il y a les profits de l'entrepreneur, les salaires des machines, etc., et il est très rare que le travailleur profite pour plus de 30% à 50% du montant déboursé.

En accordant la requête, l'Etat économiserait \$7,000 ou \$8,000 par an, mais un nombre quelconque d'ouvriers seraient jetés sur le pavé et augmenteraient l'armée du chômage que l'Etat veut réduire, ce qui constitue une anomalie et, surtout, une injustice criante pour les travailleurs. Ceci serait plutôt illogique et, à mon avis, injuste pour les employés.

La situation d'un employé de chemin de fer constitue sa richesse, et pour l'obtenir et la garder il lui a fallu attention soutenue, efforts constants, avec risques et dangers personnels; elle est sa propriété et s'il en est dépossédée dans l'intérêt public, il a droit comme tout autre propriétaire à une juste compensation.

Son emploi constitue tout son bien; il a beaucoup travaillé durant des années croyant, comme il était en droit de le croire, lorsqu'il est entré au service du chemin de fer, qu'aussi longtemps qu'il serait un employé fidèle et digne de confiance, il conserverait sa situation, son gagne-pain.

Il n'y a pas de raison pour que le principe général de droit et d'équité, qu'aucun ne peut être forcé d'abandonner sa propriété (bien) pour cause d'utilité publique sans juste compensation, ne doive pas s'appliquer au cas présent.

Sir Edward Beatty, lorsqu'il propose la suppression de voies ferrées, suppose toujours qu'on devrait pourvoir aux employés d'une façon ou d'une autre.

L'employé de chemin de fer est un serviteur public, ayant sous sa responsabilité et ses soins la sécurité du public.

L'injustice faite à un serviteur ne peut jamais profiter au public, et je dirais qu'on ne devrait pas accorder l'autorisation d'abandonner une ligne de chemin de fer à moins que la Commission ne soit convaincue qu'il a été convenablement pourvu aux employés qui souffriront de cette mesure.

On a fait valoir comme argument supplémentaire, que la voie était en méchant état de réparation, ce qui nécessiterait des dépenses de \$80,000 ou un peu plus, et qu'en outre, les engins légers dont on se servait sur cet embranchement étaient vieillots et que l'on n'entendait pas les renouveler.

À la première objection, je réponds: quand bien même quatre-vingt mille piastres seraient dépensées sur cette voie, d'ici à quelques années, pour la re-

mettre en bonne condition, ces dépenses pourraient être considérées comme un placement puisqu'elles donneraient pour autant de la valeur à cette voie ferrée.

Même si on ne veut accepter ce point de vue, le rapport des chemins de fer de 1934 établit aux pages 3 et 4 que dans les dépenses faites, le salaire compte pour 81.17%.

Ces travaux aideraient à combattre le chômage, et plus que dans toute autre entreprise le montant dépensé irait dans une plus grande proportion à l'ouvrier.

Il reste encore l'autre objection que le jour n'est pas éloigné où l'engin léger ne sera pas renouvelé. Cette objection est-elle bien fondée?

Je rappellerai au chemin de fer certaines suggestions du rapport de Joseph Eastman (U.S. Federal Co-ordinator), juillet 1935:

"Railway service is potentially the fastest of all land transport, but is now actually far slower than highway service and little, if any, faster than water transport and pipe lines.

For years, railroad management has had its attention centered on 'bigness' and has constantly striven for longer trains, requiring larger locomotives to haul them and heavier tracks to carry them.

The whole object was to substitute mechanical contrivances for human labor, by doubling the size of trains and laying off crews.

The net result of all this is a Frankenstein that is devouring the revenues of the railroads and at the same time driving their best customers to other forms of transport.

Having adopted big equipment and long trains, the managements, naturally, are anxious to use them. This results in costly loss of time through infrequent schedules and terminal delays in assembling and reassembling cars, thus depriving the carriers of their natural speed superiority.

The railroad doctrine that a long train is an economical train is a fallacy. The development of a system of light-powered, short trains for carlot traffic as well as for high speed service is suggested.

Excepting for local carriage in terminal areas, railroad service is not only faster but also cheaper than highway transport."

Les chemins de fer, dans le passé, ont développé le pays, ont progressé, alors qu'ils se servaient de trains légers, rapides; aujourd'hui encore, au moins dans l'est du pays, le commerce intérieur demande le même service.

Il semblerait donc qu'il est de l'intérêt des chemins de fer de renouveler ce matériel léger, de réparer leur voie, de solliciter le commerce et de donner le service voulu.

Le rapport de 1935 dit, p. 14:

"It is becoming increasingly certain that any substantial improvement in net earnings can be secured in no other way than by increased volume of traffic and, in the opinion of the Trustees, it is in the public interest that the way out of the present difficulties be found in an expansion of earnings rather than by way of a further curtailment of railway expenditures. *The latter process is a negative one.*"

Les chemins de fer ont hésité longtemps à redonner les trains excursions à taux réduits. L'expérience a démontré que ces excursions étaient profitables. C'est ce que dit le même rapport, à la page 3.

De 1922 à 1929, le chemin de fer Canadien National a su, par la sollicitation, par un bon service, par l'annonce, obtenir partout des rendements satisfaisants. La même politique produirait encore les mêmes résultats.

Pour ces raisons, et surtout pour empêcher d'augmenter le nombre des sans-travail, des malheureux, je crois qu'il est de l'intérêt public de renvoyer la présente requête.

OTTAWA, le 3 septembre 1938.

ORDER No. 56436

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," under Section 165A of the Railway Act, Section 2 of the Canadian National-Canadian Pacific Act, 1933, and all other appropriate statutory provisions, for an Order granting them leave to abandon the operation of the Frelighsburg Subdivision, in the Province of Quebec, between Farnham, mileage 17·9, and Frelighsburg, mileage 0·0, a total distance of 17·9 miles.

File No. 39310.1

MONDAY, the 19th day of September, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Farnham, June 15, 1938, in the presence of Counsel for the Applicants and the municipalities interested, and what was alleged,—

It is ordered: That the abandonment of operation of the Applicants' Frelighsburg Subdivision, in the Province of Quebec, between Farnham, mileage 17·9, and Frelighsburg, mileage 0·0, a total distance of 17·9 miles, be, and it is hereby, approved; such abandonment to become effective within ninety days from the date of this Order; and that the approval herein granted be without prejudice to whatever rights or remedies may be open to the parties in courts of competent jurisdiction under the terms of any existing agreements.

H. GUTHRIE,

Chief Commissioner.

Application of the Canadian National Railways for an Order granting leave to abandon operation of its North Lake Subdivision in the Province of Ontario, between Twin City Junction (Mileage 0·0) and Mackies (Mileage 35·4), a total distance of 35·4 miles.

File 39310.32

Heard at Fort William, Ont., August 10, 1938

JUDGMENT

STONE, COMMISSIONER:

This Railway was built under Statutory authority granted in Ontario Act 46 Vic.; Chap. 56, 1883, to the Corporation known as the Thunder Bay Colonization Railway Company. In 1887 the name was changed to The Port Arthur, Duluth and Western Railway; it was originally intended to go as far as Duluth, but the applicant's records do not show that the railway line was constructed beyond a short distance south of the International Border.

In 1888 the railway was incorporated under a Dominion Charter, Canadian Statute 51 Vic., Chap. 84, and was opened for operation in 1893. In 1899 the Port Arthur, Duluth and Western Railway Company was amalgamated with the Ontario and Rainy River Railroad Company, which in 1900 was amalgamated with the Canadian Northern Railway Company, now part of the Canadian National Railways.

In 1915 the track between Gun Lake (mileage 74) and North Lake Station (mileage 59·64) was removed, and in 1923 the service between North Lake Station (mileage 59·64) and Mackies (mileage 35·4) was discontinued by permission of the Board.

Under a document dated the 1st day of May, 1929, the Thunder Bay Lumber Company leased for a period of ten years, a portion of this segment of the line from Thunder Bay (mileage 44.5) to Mackies (mileage 35.4). The lease was surrendered on the 27th day of August, 1937, and the Lumber Company transported its lumber by truck to the different cities.

As permission had been granted to the Railway Company in 1923 to discontinue service south of Mackies (mileage 35.4), the track between Thunder Bay (mileage 44.5) and Mackies (mileage 35.4) was removed, and the only portion of this line which remains at present is that between Mackies (mileage 35.4), and Twin City Junction (mileage 0.0), the subject matter of this application.

The train service in effect since 1932 consisted of a mixed way-freight train in each direction twice a week between Port Arthur and Mackies. On March 23, 1938, engineers of the Railway Company discovered three truss span bridges to be unsafe for continued operation, and all train service was discontinued the following day.

On the 4th day of April last, the Canadian National Railways made application under the Railway Act; the Canadian National-Canadian Pacific Act and all other statutory provisions, for an Order granting it leave to abandon further operation.

Officers of the Engineering and Operating Departments of the Board were assigned to inspect and report on the physical characteristics of the said line, and the public and business interests that would be affected by the discontinuance of train operation.

The case was heard by the Board at Fort William, Ont., on the 10th day of August, 1938. D. C. Owens, K.C., appeared for the Canadian National Railways; Rev'd Daniel McIvor, M.P., appeared for the Municipalities; Mr. W. F. Lough appeared for the Post Office Department; together with several witnesses, who represented various interests opposed to the application.

Counsel for the applicant gave a lengthy description of the line, its special industrial relationships, its revenue and expenses during recent years, an analysis of its freight traffic, a description of the territory served and the highway facilities, together with a summary of the population along the line.

Reverend Daniel McIvor, M.P., presented several witnesses who gave evidence in regard to mineral deposits, farming, condition of highways, etc. Mr. McIvor, in conclusion of the presentations made by these witnesses, stated that "during the last seven or eight years there had been a great many people who have moved into these communities." He knew the railway did not pay, but, having regard to unemployment and the necessity of the railway as a public convenience and for postal service, together with the great possibilities for development in the area, he considered some kind of rail service should be continued.

Questioned by Mr. Owens, Counsel for the Railway Company, as to whether the Thunder Bay Lumber Company operate their trucks from their mill to Fort William or Port Arthur, Mr. McIvor stated,—"I know they do in winter, but I would not say that they operate every day." (Evidence Vol. 654, p. 1742.)

Mr. W. F. Lough contended that the Post Office Department paid the Railway Company \$341.00 a year to carry mail serving seven post offices; since the rail service ceased on May 24, 1938, the mail was carried by truck. He stated,—

"Finally an agreement was made with a transportation company to carry the mail from Fort William to Suomi every Monday of each week, leaving Fort William and arriving at Suomi at 11.52, that is practically the same running time as the train; returning, leaving Suomi at 12.38, they have almost an hour at Suomi, and they get back here (Fort William), at about 3.25 in the afternoon. That gives the public in the territory practically the same service as they were enjoying when the train was running." (Evidence; Vol. 654; p. 1738.)

From the evidence presented at the Hearing, and from the contents of the Board's file, it develops that the line was constructed primarily as a logging road, and conforms to the usual conception of a lumbering railway. It has heavy grades, high curvatures, and bridges unsuited for modern railway equipment. Five and one half miles are laid with sixty pound rails and the balance with fifty-six pound rails. The bridges are poor, and only permit the use of a maximum locomotive capacity of 25 per cent.

Since the construction of the railway, practically all the lumber has been removed and some pulpwood taken out in small quantities. Some attempt has been made at agricultural development, principally between Mackies and Hymers, a distance of about 18 miles, and consists for the most part of small areas carved out of the woods. The soil it is alleged, is not suitable for high-class agriculture, the main products being hay and feed.

The railway line between Mackies and Twin City Junction traverses an area in which, some forty years ago, there were several producing silver mines; from 1931 to 1935 some exploratory development work was carried on in this area, but this work, which did not lead to production, was discontinued in 1935.

South of Mackies there are several large deposits of iron ore, but to date it has not proved economic to make use of these mineral resources. The minerals along this line of railway are considered to be of low grade, and not comparable with ore bodies south of the International Boundary.

This latter view, set forth by the Applicant at the Hearing, is substantiated by a reference to the reports of the Geological Survey of Canada (see Summary Report, 1924; Part "C," pp. 28 to 88), in which Mr. J. E. Gill states,—

"No single bed or group of beds has been found which is sufficiently rich in iron to be utilized as an ore, without preliminary concentration."

In a memorandum referring to this area, prepared by a member of the staff of the Dominion Geological Survey early in 1938, and forwarded to the Board by the Director of Mines and Geology under date of September 22, 1938, the statement is made that no developments of importance have been reported to the Department of Mines and Geology since 1935.

No station agents are employed. There are eleven flag stations, with the following stated populations,—

Stations	Population	Additional Tributary Population
Slate River.. . . .	50	150
Stanley.. . . .	40	300
Flint.. . . .	10	240
Hymers.. . . .	65	400
Leeper.. . . .	15	260
Nolahn.. . . .	12	200
Hillside.. . . .	10	110
Silver Mountain.. . . .	20	170
Whitefish.. . . .	14	90
Wolfe.. . . .	12	70
Mackies.. . . .	12	160
Total.. . . .	248	2,150

At Slate River the station building, erected in 1913 at a cost of \$790.00, is at present rented to the Provincial Government, for use as a Seed Cleaning Warehouse, the product of which is shipped by truck to Fort William and Port Arthur. There are two or three other small station buildings, built in 1901 and 1906, located at different stopping places, while at others only shelters, or old box cars have been in use.

The only industry served on the line is the Superior Brick and Tile Company, Limited, 1.74 miles from Twin City Junction. This industry the Railway has signified its willingness to continue to serve, the track to be classified as an industrial track out of Port Arthur Terminal.

The Railway Company's submission that revenues on this line have, in recent years, considerably decreased, is substantiated by the following summarized statement covering the past three years,—

SUMMARY OF RAILWAY STATEMENT FURNISHED WITH THE APPLICATION

Year	Total car loadings			Total revenue	Out of pocket expenses only	Loss from operation
	In	Out	Total			
1935.. . . .	23	264	287	\$18,268	\$41,943	\$23,675
1936.. . . .	8	206	214	13,673	43,545	29,872
1937.. . . .	31	129	160	14,073	40,246	26,172

In a recent submission made by the Railway Company, it was stated that in a re-check of the above amounts, it was discovered that the total expense for the year 1935 is \$300 less than that recorded above, while in 1937 the total expense is \$1,881 greater, which makes the actual loss from operation in 1935, \$23,375, and in 1937, \$28,053.

For the five years 1933-1937 inclusive, there were 55,855 ties placed in the track on this Subdivision and the cost for maintenance alone in the same period is shown as \$104,035, of which amount \$12,517 was spent on the bridges. This expenditure only provided for very light maintenance, attributed to lack of revenue. The result was deterioration, developed to a point where it became necessary to close the line to traffic.

The statement of the Railway Company shows the immediate necessity of replacing three Howe truss bridges at an estimated cost of \$31,200, and the reconstruction or repairing of a number of pile trestles at an estimated cost of \$14,640, or a total estimated cost of \$45,840 for bridges.

In addition there is a further amount of \$9,130 required to replace two culverts at an estimated cost of \$5,380 and to install 5,000 track ties at a cost of \$3,750, making a total of \$54,970. It is estimated that there are seventeen pile trestle bridges and two Howe truss bridges, not included in this statement, ten of which will require replacement or considerable repairs within the next two years; also ten culverts which will have to be replaced in 1939, at an estimated cost of \$34,550, or a total of \$89,520. This amount does not include the costs involved for annual maintenance, neither does it cover costs for rail renewals or operating expenses which entail considerable additional expenditure.

Maps on file confirm the evidence submitted at the Hearing, that the main highway in the territory is parallel to the railway nearly all the way from Mackies to Twin City Junction, and connects with the paved highway into Port William and Port Arthur. At points where the main highway does not connect with the railway, there are side roads which divert into the main highway.

The Thunder Bay Lumber Company, located beyond Mackies, abandoned rail service for trucks and use the highway all winter from their mills into Port Arthur. Milk has been handled for some years by trucks and the Provincial Government's Seed Cleaning plant at Slate River station ships by trucks. Various business concerns in Port Arthur deliver their goods direct over the highways in this district, by their own or hired trucks. In 1936 or 1937 a Bus Franchise was granted to the International Transportation Company which operated intermittently on account of lack of revenue. The Farmers' Mercantile Association, centred at Nolalu, it was alleged has received authority from the Public Municipal Board in Fort William to operate trucks, and, since the train service was discontinued, the Post Office Department has contracted for highway service, which now serves the travelling public as conveniently as the former train service.

Branch line passenger earnings dropped from \$1,800 in 1935, to \$900 in 1937. Total freight car loadings, inward and outward, dropped from 287 to 160 in the same period, regardless of the fact that the same regular way-freight train service was rendered twice weekly in each direction between Port Arthur and Mackies from 1932. The statement of expenditures furnished the Board were "Out of Pocket only," and did not include superintendence and office expenditure.

There is no substantial prospective business in sight, or a possibility of regaining business lost that would guarantee better operating revenues; the cost for rehabilitation is large, therefore continued operation does not appear justified.

Some persons will be inconvenienced if the discontinued rail service is not restored, particularly during the winter months. However, the highways are open practically all winter, and the evidence shows that much of the freight now moves by truck.

I would grant that portion of the application that applies for the portion of the line between mileage 1·74 to Mackies, mileage 35·4, and would provide that the line between the Superior Brick and Tile Company's plant and Twin City Junction be reconditioned as an industrial track, and service continued to this Company by the Railway Company.

OTTAWA, September 26, 1938.

Concurred in by Commissioner Stoneman.

The Deputy Chief Commissioner:

The operation of this line was discontinued months ago. I agree.

ORDER No. 56466

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," under Section 165A of the Railway Act, for approval of the abandonment of operation of their North Lake Subdivision, between Twin City Junction, mileage 0·0, and Mackies, mileage 35·4, in the Province of Ontario, a distance of 35·4 miles.

File No. 39310.32

WEDNESDAY, the 28th day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Fort William, August 10, 1938, in the presence of Counsel for and representatives of the Applicants, the municipalities interested, and the Post Office Department, and what was alleged,—

It is ordered:

1. That the abandonment of operation of that portion of the Applicants' North Lake Subdivision between mileage 1·74 and Mackies, Ontario, mileage 35·4, be approved.

2. That the portion of the said North Lake Subdivision between the plant of the Superior Brick & Tile Company and Twin City Junction, mileage 0·0 to 1·74, be reconditioned as an industrial track and service continued to the said Company by the Applicants.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 56425

In the matter of the application of the Dominion Atlantic Railway Company, hereinafter called the "Applicant Company," for permission to file, on less than statutory notice, supplement to its Tariff C.T.C. No. 1086, to correct an error.

File No. 27612.189

WEDNESDAY, the 21st day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas item 50 in the Applicant Company's Tariff C.T.C. No. 1086 names rates on molasses in barrels and puncheons from Halifax, Nova Scotia, to Parrsboro, Nova Scotia, but, due to a typographical error, the rates were reversed and the Applicant Company now desires to make correction on less than statutory notice,—

It is ordered: That the Applicant Company be, and it is hereby, granted leave to file, on one day's notice, a supplement to its Tariff C.T.C. No. 1086, to correct the said error.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56429

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 21st day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in items 65 and 449 of Supplement No. 30 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 65 and 449 of Supplement No. 30 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item	Cents per 100 pounds
65	19½
449	9

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56430

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 21st day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3 namely:—

Supplement No. 34 to C.T.C. No. E-2047

Supplement No. 11 to C.T.C. No. E-2311

Tariff C.T.C. No. E-2848

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 56432

In the matter of the application of the State Bridge Commission, operating the Sarnia-Port Huron International Bridge, under Section 323 of the Railway Act, for approval of resolution dated 16th September, 1938, adopted at a meeting of the Commission, authorizing the Secretary of the State Bridge Commission to prepare and issue tariffs of the tolls to be charged in respect of the use for pedestrian, vehicular, or other traffic on, over, or across the bridge owned or operated by the Commission, and to submit the same to and file the same with the Board.

File No. 36795

WEDNESDAY, the 21st day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the recommendation of the Director of the Board's Traffic Department,—

It is ordered: That the said resolution of the State Bridge Commission, operating the Sarnia-Port Huron International Bridge, on file with the Board under file No. 36795, be, and it is hereby, approved.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 56449

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

SATURDAY, the 24th day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 113 of Supplement No. 25 to Tariff C.T.C. No. 907, filed by the Dominion Atlantic Railway Company under Section 9 of

the Maritime Freight Rates Act be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 113 of Supplement No. 25 to Tariff C.T.C. No. 907, approved herein, is 4 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56450

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 27th day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 53 to Tariff C.T.C. No. E-1974
Supplement 20 to Tariff C.T.C. No. E-2448
Supplement 4 to Tariff C.T.C. No. E-2745
Supplement 11 to Tariff C.T.C. No. E-2762

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56458

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

TUESDAY, the 27th day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 235 of Supplement No. 16 to Tariff C.T.C. No. E-4840, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 235 of Supplement No. 16 to Tariff C.T.C. No. E-4840, approved herein, is 21½ cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

GENERAL ORDER No. 578

In the matter of engine whistle signals; and Rule 31, Signal 14 (1), of the Operating Rules of railway companies subject to the jurisdiction of the Board, approved under General Order No. 42, dated 12th July, 1909, as amended.

File No. 31204

THURSDAY, the 29th day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon reading the submissions filed on behalf of the Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Maintenance of Way Employees, Brotherhood of Locomotive Engineers, Order of Railway Conductors of America, and The Railway Association of Canada; and upon the report and recommendation of the Chief Operating Officer of the Board,—

It is ordered: That the said Rule 31 be amended to provide that Signal 14 (1) be changed from its present form to be,—two long, one short, and one long; and that the same be made effective at 24·01, October 16, 1938.

F. NAP. GARCEAU,

Deputy Chief Commissioner,

SUMMARY OF ORDERS ISSUED BY THE BOARD

56373. Sept. 1—Amending Order No. 53452 to provide that the Order is made without prejudice to the right of action in a Court of competent jurisdiction of any owner whose property has been or may be injuriously affected, etc.
56374. Sept. 1—Approving proposed location of bulk plant of Shell Oil Company of Canada, Ltd., at St. Hubert, Que. (C.N.R.).
56375. Sept. 1—Requiring the C.N.R. to install bell and wigwag at Barren Crossing at mileage 97·61 Sydney Subdv., etc.
56376. Sept. 2—Authorizing the Township of Portland, Ont., to construct a highway crossing over the C.P.R. at Bank St., Verona, Ont.
56377. Sept. 2—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the C.P.R. under sec. 9.
56378. Sept. 2—Authorizing the C.P.R. to open for carriage of traffic its line of railway between mileage 99·4 and 101·82 Mountain Subdv.
56379. Sept. 1—Approving supplement to exchange and toll line agreement between Bell Telephone Co. and Municipality of the Township of Brighton.
56380. Sept. 3—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
56381. Sept. 2—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
56382. Sept. 7—Authorizing the C.P.R. to construct, maintain and operate at grade, across Rue St. Laurent, Cap de la Madeleine, Que., a branch line to serve International Foils Ltd.
56383. Sept. 7—Authorizing the C.P.R. to remove station building at Lobo, Ont.
56384. Sept. 6—Authorizing the Dept. of Highways for Ontario to construct a highway crossing over the C.N.R. at Oba Station, Ont.
56385. Sept. 7—Authorizing the C.P.R. to construct a branch line to serve Northern Saskatchewan Co-operative Stockyards Ltd., Prince Albert, Sask.
56386. Sept. 7—Approving revised Appendix "A" to traffic agreement between the Bell Telephone Co. and Martintown Telephones.
56387. Sept. 6—Requiring the Dominion Atlantic Railway Co. to install bell and wigwag at crossing of Trunk Highway No. 1 near Windsor, N.S.
56388. Sept. 7—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
56389. Sept. 7—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under sec. 3.
56390. Sept. 6—Approving proposed location of pipe line of Imperial Oil Ltd. under tracks of the C.P.R. at Fort William, Ont., subject to certain conditions.
56391. Sept. 6—Authorizing the Dept. of Highways for Ontario to construct a highway crossing over the Algoma Central & Hudson Bay Railway at Oba Station, Ont.
56392. Sept. 7—Approving traffic agreement between the Bell Telephone Co. and the Sioux Lookout Telephone Co., Ltd.
56393. Sept. 8—Authorizing the Dept. of Highways for Ontario to construct an overhead crossing of the C.N.R. on the Middle Dual Highway west of the Humber River, Ont.
56394. Sept. 8—Relieving the C.N.R. from maintaining cattle guards at crossing of John St., Sundridge, Ont.
56395. Sept. 9—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under sec. 9.
56396. Sept. 9—Approving traffic agreement between the Bell Telephone Co. and the Verona & Frontenac Telephone Co., Ltd.
56397. Sept. 10—Approving proposed location of three storage tanks, etc., of the Union Oil Company at Dawson Creek, B.C.
56398. Sept. 12—Approving traffic agreement between the Bell Telephone Co. and the Sunderland Telephone Co., Ltd.
56399. Sept. 12—Amending Order No. 56339 by substituting words "T. J. S. Skinner and J. R. Miquelon" for "Calgary Estates Limited."
56400. Sept. 12—Approving proposed location of unloading rack, etc., of the North Star Oil Ltd., on Gladstone Subdv. of C.N.R. at McCreary, Man.
56401. Sept. 13—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under sec. 3.
56402. Sept. 13—Relieving the Northern Alberta Railways from maintaining speed restriction over its Grande Prairie Branch.
56403. Sept. 13—Approving clearances at siding serving Price Brothers & Company, Ltd., Rimouski. (C.N.R.).
56404. Sept. 13—Approving proposed location of Kingston Bros.' plant for handling and storage of inflammable liquids at Point Edward, Ont. (C.N.R.).

- 56405. Oct. 3—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the Fredericton & Grand Lake Coal & Railway Co. under sec. 9.
- 56406. Sept. 13—Requiring the Dominion Atlantic Railway Co. to install an automatic bell and wigwag at crossing of Truck Highway No. 1 near Paradise Station, N.S.
- 56407. Sept. 15—Authorizing the C.N.R. to reconstruct bridge over the Nith River at mileage 75.4 Brampton Subdv., near New Hamburg, Ont.
- 56408. Sept. 15—Authorizing the Nipissing Central Railway Co. to construct a highway crossing over its tracks at mileage 50.77, Township of Boischatel, Que.
- 56409. Sept. 15—Authorizing the Dept. of Colonization for Quebec to construct a highway crossing over the C.N.R. at mileage 68.76 Chandler Subdv.
- 56410. Sept. 15—Authorizing the amendment of Operating Rules of the Michigan Central Railroad.
- 56411. Sept. 15—Approving proposed location of oil storage tank, etc., of The Ottawa Gas Company adjacent to tracks of the C.N.R. at Lees Ave. East, Ottawa.
- 56412. Sept. 15—Authorizing the C.P.R. to construct a branch line of railway to serve the Dominion Coal & Wood Limited at mileage 8.93 Galt Subdv.
- 56413. Sept. 15—Approving widening of existing bridge structure across tracks of C.P.R. and C.N.R. at Connaught Place, Ottawa, etc.
- 56414. Sept. 16—Declaring the C.P.R. crossing at mileage 30.42 Trois Rivières Subdv., protected to Board's satisfaction.
- 56415. Sept. 16—Declaring the C.N.R. crossing near Mile Board 4 Yarmouth Subdv., N.S., protected to Board's satisfaction.
- 56416. Sept. 16—Approving supplements to exchange and toll line agreement between the Bell Telephone Co. and the Stroud Telephone Co., Ltd.
- 56417. Sept. 15—Authorizing the C.N.R. to eliminate one of two long stringer spans now in
- 56418. Sept. 15 existence in each of the bridges over Lucacuck River and Archclity River, B.C.
- 56419. Sept. 15—Authorizing the C.N.R. to operate bridge over the Oromocto River, N.B.
- 56420. Sept. 15—Authorizing the Dept. of Colonization to construct a highway crossing over the C.N.R. at point near Summit Station, Que.
- 56421. Sept. 15—Slightly amending Order No. 56323 dated August 20, 1938, to provide for word "switching."
- 56422. Sept. 16—Approving proposed changes to interlocking plant at crossing of the C.N.R. by Grand River Railway at Beverley St., Galt, Ont.
- 56423. Sept. 16—Approving traffic agreement and supplement thereto between Bell Telephone Co. and the McCreary Telephone Co., Ltd.
- 56424. Sept. 19—Declaring the C.N.R. crossing at Ferguson Ave., Hamilton, Ont., protected to Board's satisfaction.
- 56425. Sept. 21—Authorizing the Dominion Atlantic Railway Co. to file on one day's notice a supplement to its tariff C.T.C. No. 1086 to correct an error.
- 56426. Sept. 13—Refusing application of town of Mimico, Ont., for an order directing the Bell Telephone Co. to amend its tariffs so as to provide subscribers in Mimico with telephone service as part of city of Toronto local exchange area and at same rates and charges as apply within the Toronto base rate area.
- 56427. Sept. 21—Approving supplement No. 10 to Express Classification No. 8 subject to one change.
- 56428. Sept. 15—Refusing application of Township of Etobicoke, Ont., for an order directing Bell Telephone Co. to make available to the telephone users in the area known as the "Islington District" a telephone service connected directly to a city of Toronto exchange.
- 56429. Sept. 21—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 56430. Sept. 21—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 56431. Sept. 21—Authorizing the Dept. of Highways for Ontario to construct an overhead bridge to carry the N.S. & T. Rly. over new highway in Lot 23, Con. 3, Township of Grantham, County of Lincoln, Ont.
- 56432. Sept. 21—Approving resolution of the State Bridge Commission, operating the Sarnia-Port Huron International Bridge.
- 56433. Sept. 19—Authorizing the C.N.R. to remove station agent at Cavell, Sask.
- 56434. Sept. 21—Authorizing the Dept. of Highways for Ontario to construct a bridge to carry the N.S. & T. Rly. over new highway in Lot 18, Con. 4, Township of Grantham, County of Lincoln, Ont.
- 56435. Sept. 21—Declaring the C.P.R. crossing just west of C.N.R. track to Limoilou, Que., protected to Board's satisfaction.
- 56436. Sept. 19—Approving abandonment of operation of C.N.R. Frelighsburg Subdv., between Farnham and Frelightsburg, Que.
- 56437. Sept. 21—Approving supplement to service station contract between Bell Telephone Co. and the Muskoka & Parry Sound Telephone Co., Ltd.

- 56438. Sept. 21—Requiring a speed limitation of thirty miles an hour be maintained by the C.N.R. in operation of their southbound trains within the southbound circuit of crossing at mileage 89·2 Bala Subdv.
- 56439. Sept. 22—Authorizing the C.P.R. to operate the interlocking plant at crossing of Kettle Valley and Canadian Northern Pacific Railways at Hope, B.C.
- 56440. Sept. 21—Declaring the C.P.R. crossing at mileage 59·31 Windsor Subdv., protected to Board's satisfaction.
- 56441. Sept. 21—Approving proposed location of unloading pipe line of E. C. Runge under the C.N.R. at Clifford, Ont.
- 56442. Sept. 21—Slightly amending Order No. 56309 dated Aug. 19, 1938, by adding words "and diversion."
- 56443. Sept. 21—Approving proposed location of freight and passenger shelter at Bellsite, Man.
- 56444. Sept. 21—Authorizing the Dept. of Highways for Ontario to construct an overhead bridge to carry tracks of N.S. & T. Rly. Co. over new highway on Niagara St., St. Catharines, Ont.
- 56445. Sept. 23—Authorizing the C.N.R. to discontinue train stop for certain trains at Pleasant Ridge, Ont.
- 56446. Sept. 23—Authorizing the C.P.R. to construct a branch line to serve the Ford Motor Co. at mileage 0·34 West Saint John Subdv.
- 56447. Sept. 24—Declaring the C.N.R. crossing at mileage 19·2 Rosburn Subdv., protected to Board's satisfaction.
- 56448. Sept. 26—Authorizing the C.P.R. to reconstruct bridge No. 125·9 over Portneuf River, Que.
- 56449. Sept. 24—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the Dominion Atlantic Railway Co. under sec. 9.
- 56450. Sept. 27—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under sec. 3.
- 56451. Sept. 27—Approving supplement to service station application between the Bell Telephone Co. and the Commissioners for Telephone System of Municipality of Township of Tay.
- 56452. Sept. 27—Approving traffic agreement between the Bell Telephone Co. and La Compagnie de Telephone Portneuf & Champlain.
- 56453. Sept. 27—Declaring the New York Central crossing at mileage 48·14 Buffalo to Detroit Subdv., protected to Board's satisfaction.
- 56454. Sept. 27—Declaring the C.P.R. crossing at mileage 105·66 Carberry Subdv., protected to Board's satisfaction.
- 56455. Sept. 26—Approving tariff covering exchange rates of the Bell Telephone Co. at Ste. Anne de Bellevue, Que., etc.
- 56456. Sept. 28—Approving location of storage tanks, etc., of North Star Oil Limited at Ridgedale, Sask. (C.N.R.).
- 56457. Sept. 28—Approving location of warehouse for handling inflammable liquids of Texas Co. of Canada, Ltd., at Hafford, Sask. (C.N.R.).
- 56458. Sept. 27—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the C.P.R. under sec. 9.
- 56459. Sept. 26—Requiring the C.P.R. to appoint a station agent at Vidora, Sask.
- 56460. Sept. 28—Approving clearances under canopy roofs, etc., at siding serving the Howard Smith Paper Mills at Crabtree, Que.
- 56461. Sept. 28—Approving location of storage tanks, etc., of North Star Oil Limited at Aylsham, Sask. (C.N.R.).
- 56462. Sept. 28—Approving location of storage tank, etc., of North Star Oil Limited at Kinistino, Sask. (C.N.R.).
- 56463. Sept. 28—Authorizing the C.N.R. to reconstruct bridge over Lobstick River at mileage 77·2 Brazeau Subdv., Alta.
- 56464. Sept. 28—Approving location of storage tank, etc., of North Star Oil Limited at Mervin, Sask. (C.N.R.).
- 56465. Sept. 28—Approving location of tank car unloading standards, etc., of Provincial Oils Limited at Moncton, N.B. (C.N.R.).
- 56466. Sept. 28—Approving abandonment of operation of that portion of C.N.R. North Lake Subdv., between mileage 1·74 and mileage 35·4, etc.
- 56467. Sept. 28—Declaring the C.N.R. crossing at mileage 98 Alexandria Subdv. protected to Board's satisfaction.
- 56468. Sept. 28—Authorizing the C.N.R. to construct connections between their railway and logging railway of Victoria Lumber & Manufacturing Co., Ltd., at mileage 90·41 Cowichan Subdv. at Hawes, B.C.
- 56469. Sept. 29—Declaring the C.P.R. crossing at mileage 89·05 Sherbrooke Subdv. protected to Board's satisfaction.
- 56470. Sept. 29—Amending Order No. 54771 by striking out the figures "\$24,000," and substituting therefor the figures "\$25,600.81."

- 56471. Sept. 30—Relieving the C.P.R. from maintaining cattle guards at the highway crossings in Township of Chatham, Ont., at certain mileages on the Windsor Subdv.
- 56472. Sept. 30—Authorizing the C.N.R. to relocate flagman with bell at crossing of George St., Fredericton, N.B.
- 56473. Sept. 29—Approving location of storage tank etc. of Petroleum Realty Corporation Limited at Rosetown, Sask. (C.N.R.).
- 56474. Sept. 30—Declaring the C.N.R. crossing at mileage 9·7 Huntsville Subdv. protected to Board's satisfaction.
- 56475. Sept. 30—Authorizing the C.N.R. to construct a siding across Main St., La Sarre, Que.
- 56476. Sept. 30—Declaring the C.N.R. crossing at mileage 38·4 Elrose Subdv. protected to Board's satisfaction.
- 56477. Sept. 30—Declaring the C.P.R. crossing at mileage 43·3 Lanigan Subdv. protected to Board's satisfaction.
- 56478. Sept. 30—Declaring the C.P.R. crossing at mileage 14·73 Melfort Subdv. protected to Board's satisfaction.
- 56479. Sept. 29—Amending Order No. 53873 by striking out figures "\$10,500" in the fifth line of paragraph 2 thereof and substituting therefor the figures "\$11,500."
- 56480. Sept. 29—Authorizing the Dept. of Highways for Ontario to construct an overhead crossing of the C.P.R. on the Toronto-Fort Erie super highway over the Mimico Cut-off in Township of Etobicoke, Ont.
- 56481. Sept. 30—Approving clearances of proposed coal loading platform to serve Welton, Henderson & King at mileage 47·27 Minto Subdv. (C.P.R.).
- 56482. Sept. 30—Authorizing the City of Owen Sound, Ont., to construct a diversion of Third Avenue East and a new crossing over the C.P.R. in lieu of existing crossing.
- 56483. Sept. 30—Authorizing the Dept. of Public Works for British Columbia to construct a highway diversion between crossings of the C.N.R. on the Trans-Canada Highway at mileage 47·55 and 49·36 west of Boston Bar, B.C.
- 56484. Sept. 30—Authorizing the C.N.R. to connect their tracks with tracks of the Cornwall Street Railway, Light & Power Co., Ltd., at Cornwall, Ont., for purpose of interchange.
- 56485. Oct. 1—Approving location of storage tank of the British American Oil Company Ltd., adjacent to C.P.R. at Meadow Lake, Sask.
- 56486. Oct. 1—Approving location of storage tank, etc., of North Star Oil Limited at Sturgis, Sask. (C.N.R.).
- 56487. Oct. 1—Approving location of storage tank, etc., of North Star Oil Limited at Debden, Sask. (C.N.R.).
- 56488. Sept. 29—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Dominion Atlantic Railway Co. under sec. 9.



The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

XXVIII

Ottawa, November 1, 1938

No. 16

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Application of Norman Brooks for an Order directing the Canadian National Railways to reconstruct a bridge across Catfish Creek, Lot 21, Concession 8, Malahide Township, on Cayuga Subdivision, 2.84 miles east of Aylmer, Ont.

File No. 40714

JUDGMENT

GARCEAU, DEPUTY CHIEF COMMISSIONER:

"Mr. Brooks owns part of Lot 21, Con. 8, Malahide Township, about 16.8 acres, according to the deed under which Norman Brooks bought the land from W. E. Brooks' estate in 1932. About 6.8 acres of this land is on the north side of the C.N. tracks and 10 acres on the south side.

"A right-of-way through the 200-acre lot was purchased by the Great Western Railway in 1870, and in the agreement of sale the railway agreed to provide one farm crossing at grade across the tracks for the farm.

"One year later, in 1871, the railway purchased a piece of land on the south side of the right-of-way for the purpose of diverting the creek, which crossed the right-of-way twice on the lot to the south side of the track. This diversion of the creek eliminated one culvert crossing from the creek.

"When the creek was diverted, the railway had to bridge the creek to maintain the farm crossing across the tracks, and the bridge was maintained until 1937 when heavy floods washed it out, and it has not been replaced. Mr. Brooks wants the bridge replaced or \$1,000 in lieu thereof. The C.N.R. has offered to purchase the 6.8 acres of land on the north side of the track for \$400 from Norman Brooks in lieu of maintaining the bridge across the creek.

"In the first place, the railway farm crossing was granted for the whole 200-acre farm. Mr. W. E. Brooks purchased about 16.8 acres of the 200-acre farm bounded by the road between Con. 7 and 8 and the centre of the creek in 1897. Norman Brooks became the owner in 1932, and his claim is bridge and crossing should be maintained for this 16.8 acres of land.

"Catfish creek is a very small creek in summer. In the spring, however, it rises very high, and in 1937 it rose probably 8 or 10 feet to the top of the railway embankment, and washed out the bridge across the creek on Brooks' land. The railway has an 8-foot concrete culvert through the embankment and when the creek is high, it floods through the culvert and covers a large area of land to the north of the railway. Roughly, about 4 acres of Brooks' land is low and 2.8 acres is high. The low land gets flooded when the creek is high.

"Last year a drainage scheme for the surrounding country was built, and the creek was deepened about 2 feet under this drainage scheme. The 8-foot concrete culvert under the tracks was not lowered and I, therefore, doubt very much if the drainage ditch helped Brooks' land to the north of the track."

(Report of Board's Division Engineer, dated May 12, 1938.)

There cannot be a level crossing at that point without reconstruction of the bridge, as the bridge forms an integral part of this crossing.

True, this farm crossing was the only crossing for the whole Lot No. 21, but it was located at the point where reconstruction is applied for and the railway has not contended that this contractual obligation had been satisfied by the construction of another farm crossing elsewhere.

Moreover, the bridge was always kept and maintained by the railway up to 1937 and was, and still is, the only way to connect both sections of the farm bought by the Applicant in 1932.

In my opinion, the Applicant has an absolute right to the rebuilding of this bridge as part of the farm crossing, irrespective of the farm's value.

After the hearing, the members of the Board visited the Applicant's property and they were astounded to realize that Mr. Lee Van Patter, formerly Valuator for the Agricultural Development Board of Ontario, and Mr. Merritt Moore, an Official Receiver under the Farmers' Creditors Arrangement Act, had wilfully tried to mislead the Board as to the actual value of this property, or were absolutely ignorant and incompetent as valuers.

Had the Board jurisdiction, I would recommend that the Canadian National Railways' offer of \$400 for the 6.8 acres of land on the north side of the tracks be accepted, and that the application be refused. This amount of \$400 is certainly in excess of the value of this land; but the Applicant, having a contractual right to a farm crossing, of which the bridge is part, I would grant the application, the bridge to be reconstructed by the first of June, 1939; and the maintenance to be perpetually at the Applicant's charge, his heirs' or assigns', to which he agreed, through his counsel, at the hearing.

October 7, 1938.

Commissioners Stoneman and Stone concurred.

ORDER No. 56524

In the matter of the application of Norman Brooks for an Order directing the Canadian National Railways to reconstruct a bridge across Catfish Creek, in Lot 21, Concession 8, of the Township of Malahide, in the Province of Ontario, on its Cayuga Subdivision.

File No. 40714

TUESDAY, the 11th day of October, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at St. Thomas on 13th July, 1938, in the presence of Counsel for the said Norman Brooks and the Canadian National Railways, and what was alleged; and upon an inspection by the Board of the locus in quo; Counsel for the applicant at the hearing consenting that the said bridge be maintained by the said Norman Brooks, his heirs, or assigns—

It is ordered: That the Canadian National Railways be, and they are hereby, directed to reconstruct the bridge across Catfish Creek, in Lot 21, Concession 8, of the Township of Malahide, in the Province of Ontario, 2-84 miles east of Aylmer, Ontario, on the Cayuga Subdivision, at the point shown on plan No. E-1-2A, dated July 8, 1938, on file with the Board under file No. 40714; the work to be completed not later than June 1, 1939, and to be maintained at the expense of the applicant, his heirs, or assigns.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 56488

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 29th day of September, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in item 86 of Supplement No. 7 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 86 of Supplement No. 7 to Tariff C.T.C. No. 1063, approved herein, are as follows:—

Item 86	Cents per 100 pounds	
	L.C.L.	C.L.
Annapolis Royal, N.S.	18	12½
Bridgetown, N.S.	18½	12½
Berwick, N.S.	19	12
Kentville, N.S.	19	12
Wolfville, N.S.	19	12½

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 56405

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

MONDAY, the 3rd day of October, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published to Stanbridge, Quebec, in Supplement No. 17 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 17 to Tariff C.T.C. No. 194, to Stanbridge, Quebec, approved herein, is 300 cents per ton of 2,000 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56490

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 3rd day of October, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 45 to Tariff C.T.C. No. E-1258
Supplement 45 to Tariff C.T.C. No. E-1689
Supplement 54 to Tariff C.T.C. No. E-1911
Supplement 54 to Tariff C.T.C. No. E-1974
Supplement 12 to Tariff C.T.C. No. E-1976
Supplement 14 to Tariff C.T.C. No. E-2629

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56499

In the matter of the application of the General Motors of Canada Limited, Oshawa; Chrysler Corporation of Canada, Limited, Windsor; and Ford Motor Company of Canada Limited, Windsor, for suspension of Rule 17, Agent Ransom's Tariff C.T.C. No. 527, as amended in Supplement No. 11 thereto, effective June 30;

And in the matter of Order No. 56111, dated June 30, 1938, suspending the said Rule 17 until further Order of the Board.

File No. 8799.1

WEDNESDAY, the 5th day of October, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

WHEREAS the railway companies have made provision, effective September 26, 1938, in Agent Ransom's Tariff C.T.C. No. 852, that on automobiles and chassis, set up, when consigned to Canadian ports for export or furtherance, where dunnage is used, there shall be an allowance for the actual weight thereof, but not more than 650 pounds, and applicants have advised that as long as this provision is continued their objections to Rule 17 in Agent Ransom's Tariff C.T.C. No. 527, as amended in Supplement No. 11 thereto, are withdrawn—

It is ordered: That Order No. 56111, dated June 30, 1938, be, and it is hereby, rescinded.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56519

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 11th day of October, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 51 to Tariff C.T.C. No. E-1247
Supplement No. 18 to Tariff C.T.C. No. E-2474
Supplement No. 24 to Tariff C.T.C. No. E-2526
Supplement No. 5 to Tariff C.T.C. No. E-2745
Tariff C.T.C. No. E-2854

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56545

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 17th day of October, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 46 to Tariff C.T.C. No. E-1258
Supplement No. 58 to Tariff C.T.C. No. E-1829
Supplement No. 39 to Tariff C.T.C. No. E-2444
Supplement No. 15 to Tariff C.T.C. No. E-2629

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56546

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

MONDAY, the 17th day of October, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

The Board orders:

1. That the toll published in Item 1170 in first revised page 52 of Tariff C.T.C. No. E-4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 1170 in first revised page 52 of Tariff C.T.C. No. E-4757, approved herein, is 30½ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

October 12, 1938.

File No. 11026.78

CIRCULAR No. 242

When Orders of the Board of Transport Commissioners contain provisions with regard to Fair Wages and Hours of Labour Act, 1935, and provision with regard to the use of goods and materials of Canadian manufacture or production, it will be necessary for the party or parties ordered or authorized by such Order or Orders of the Board to do the work, to be responsible that the provision contained in the clauses of the Order or Orders referred to above are carried out and included in all contracts entered into in connection with the works.

At the commencement of the work the party or parties authorized to undertake such work by Order of the Board shall submit to the Chief Engineer, Board of Transport Commissioners, a list of rates to be paid to the different classes of labour and hours of work. This statement shall also advise that the clause with respect to "only goods and materials of Canadian manufacture or production shall be used if available" is being complied with.

When accounts in connection with the works are submitted to the Board for payment, they shall be accompanied by a list of rates paid to the different classes of labour and hours of work and a statement that only goods and materials of Canadian manufacture or production were used when available. A sworn declaration must be submitted that the statement with regard to rates of wages, hours of work and materials, is correct.

Before the work is proceeded with the parties performing this work must obtain a schedule of Wages-Rates and other Labour conditions applicable to the work from the Department of Labour, Ottawa.

By Order of the Board,

P. F. BAILLARGEON,

Secretary.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS, AUGUST, 1938

Railway Accidents.. . . . 133 with 19 killed and 185 injured.
Railway Accidents at Highway Crossings.. . . 14 with 7 killed and 17 injured.

	Killed	Injured
Passengers.. . . .	..	88
Employees.. . . .	1	76
Others.. . . .	25	38
	<hr/> 26	<hr/> 202

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents. K. I.

NOVA SCOTIA

1 - 2 Automobile—Automobile ran into side of train. Licence, N.S. 41-001.

QUEBEC

1 1 - Automobile—Auto driver attempted to beat train over crossing and was struck. Licence, Que. 65-270.

1 - 2 Automobile—Automobile struck section motor car. Licence, Que. 65072.

1 5 1 Automobile—Automobile failed to stop at crossing, and was struck by train. Licence, Que. 132080.

1 - 1 Automobile—Automobile failed to stop at crossing, and was struck by train. Licence, Que. 121-214.

1 - 1 Automobile—Automobile failed to stop at crossing, and was struck by train. Licence, Que. 158-135.

1 - 2 Auto Truck—Auto truck failed to stop at crossing and was struck by train. Licence Que. F-12-395.

1 1 - Pedestrian—Pedestrian failed to observe approaching train, and he was struck

ONTARIO

1 - 1 Auto Truck—Auto truck driver disregarded watchman's signal, and was struck by train. Ont. 21751-C.

1 - 1 Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence, Ont. 5-C-504.

1 - 1 Pedestrian—Pedestrian jumped on track in front of track motor car.

1 - 2 Automobile—Automobile struck track motor car. Licence, Ont. 399-P-1.

MANITOBA

1 - 1 Automobile—Automobile ran into side of train. Licence, Man. 61722.

SASKATCHEWAN

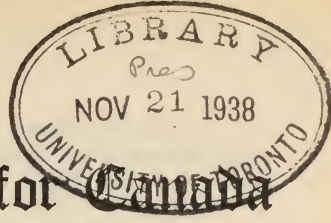
1 - 2 Horse-drawn Vehicle—Horse-drawn vehicle drove onto crossing in front of approaching train and was struck.

Of the 14 accidents at highway crossings, 12 occurred at Unprotected crossings and 2 at Protected crossings.

Of the 14 accidents, all occurred after sunrise.

October 14, 1938.

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The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXVIII

November 15, 1938

No. 17

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ORDER No. 56563

*In the matter of tariffs and supplements to tariffs filed under the provisions of
the Maritime Freight Rates Act.*

File No. 34822.12

THURSDAY, the 20th day of October, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

The Board orders:

1. That the tolls published in Item 75A of Supplement No. 60 to Tariff C.T.C. No. E-4734, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Item 75A of Supplement No. 60 to Tariff C.T.C. No. E-4734, approved herein, are as follows:—

Item	From	Cents per Canadian Standard Barrel
75A	Fredericton, N.B.	25½
	Woodstock, N.B.	31½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56577

*In the matter of tariffs and supplements to tariffs filed under the provisions of
the Maritime Freight Rates Act.*

File No. 34822.14

MONDAY, the 24th day of October, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 772, filed by the Temiscouata Railway Company under section 9 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 772, approved herein, are as follows:—

Miles	Cents per 100 pounds
5	2½
20	4
40	4½
50	5
85	5½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56578

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

MONDAY, the 24th day of October, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 771, filed by the Temiscouata Railway Company under section 9 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 771, approved herein, are as follows:—

Miles	Cents per 100 pounds
10	5
20	6
30	7½
40	8
50	8½
65	9

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56580

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 25th day of October, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement No. 25 to Tariff C.T.C. No. E-2526.

Supplement No. 12 to Tariff C.T.C. No. E-2762.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56581

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

TUESDAY, the 25th day of October, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in items 235, 830A, and 3110D of Supplement No. 18 to Tariff C.T.C. No. E-4840, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act; the proportions of joint rates in item 3110D to be reported for the Temiscouata Railway Company at 6½ cents per 100 pounds, the Canadian Pacific Railway Company the balance.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said items 235, 830A, and 3110D of Supplement No. 18 to Tariff C.T.C. No. E-4840, approved herein, are as follows:—

Item	Cents per 100 pounds	
235	21½	
830A	C.L. 15	L.C.L. 20
3110D	Minimum	
To	24,000	33,000
Baker Brook, N.B.	38½	
Edmundston, N.B.	30½	
Grand Falls, N.B.	29	
Perth Jet., N.B.	27½	
Woodstock, N.B. ....	.....	25

The Temiscouata Railway Company's proportion, 8 cents per 100 pounds; Canadian Pacific Railway Company, balance.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 56592

In the matter of the application of the Quebec Central Railway Company, under Section 348 of the Railway Act, for approval of the French translation of forms of contract restricting the Company's liability in respect of the carriage of traffic mentioned therein, which forms are to be used on the Company's lines within the limits of the Province of Quebec.

File No. 16749.54

THURSDAY, the 27th day of October, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Board has approved forms of contract (in English) as follows, namely:—

- (a) Order Bill of Lading—General Order No. 41, dated July 15, 1909;
- (b) Straight Bill of Lading—General Order No. 41, dated July 15, 1909;
- (c) Live Stock Contracts, Schedules "A" and "B"—General Order No. 298, dated June 2, 1920;

- (d) Release of responsibility for freight shipped to flag stations—General Order No. 27, dated February 8, 1909;
- (e) Release covering the carriage of household goods, furniture, and settlers' effects (all second-hand)—General Order No. 551, dated March 17, 1936; and
- (f) Release covering transportation of clothing, wearing apparel, and personal effects (all second-hand) in trunks, securely corded—General Order No. 563, dated May 13, 1937;

And whereas the French translation of the foregoing forms of contract submitted by the Quebec Central Railway Company conforms with the conditions approved by the said Orders of the Board—

It is ordered: That the French translation of the above-mentioned forms of contract restricting the Quebec Central Railway Company's liability in respect of the carriage of traffic mentioned therein, which forms are to be used on the company's lines within the limits of the province of Quebec, on file with the Board under file No. 16749.54, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56602

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 28th day of October, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 565B of Supplement No. 28 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 565B of Supplement No. 28 to Tariff C.T.C. No. 1006, approved herein, will be the 4th class rates covered by previous order or orders.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56603

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 28th day of October, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1086, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act,

be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act; the said company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1086, approved herein, are as follows:—

		Cents per 100 pounds				
		Classes				
Section 1		1	2	3	4	Min.
Halifax, N.S.	B. N.	38 45½	33 40	29 35	24 27½	38 46
Rockingham, N.S.						
Bedford, N.S.						
South Maitland, N.S.						
Lawrencetown, N.S.						
to						
Annapolis Royal, N.S.						
Windsor Junction, N.S.	B. N.	34 42	30 36	26 31	21 26½	34 42
Beaver Bank, N.S.						
Kennetcook, N.S.						
Wilmot, N.S.						
Middleton, N.S.						
Mount Uniacke, N.S.	B. N.	32 38	28 33	24 29½	20 24½	32 38
Mosherville, N.S.						
Clarksville, N.S.						
Aylesford, N.S.						
to						
Kingston, N.S.						
Ellerhouse, N.S.	B. N.	28 34	25 31½	21 25½	18 22	29 34
Newport, N.S.						
Brooklyn, N.S.						
Scotch Village, N.S.						
Cambridge, N.S.						
to						
Berwick, N.S.	B. N.	26 31	23 27½	19½ 24½	16 19	29 34
Windsor, N.S.						
Falmouth, N.S.						
to						
Port Williams, N.S.						
Grafton, N.S.						
to						
Weston, N.S.						
Coldbrook, N.S.						
Kentville, N.S.	B. N.	22 27	19 23½	17 20	14 17½	29 34
Mill Village, N.S.						
Billtown, N.S.						
to						
Woodville, N.S.						
Centreville, N.S.	B.	20	18	15	12	29
Sheffield Mills, N.S.	N.	24	20½	18½	15	34
Hillaton, N.S.	B.	16½	14	..	..	29
Canning, N.S.	N.	20½	15	..	..	34
Upper Clements, N.S.	B. N.	40 49	35 44	30 37	25 31½	40 49
to						
Digby, N.S.						
Acaciaville, N.S.	B. N.	42 52	37 45½	32½ 40½	26½ 33	42 52
to						
Yarmouth, N.S.						
Truro, N.S.	B.	49	43	36½	31½	49
to	N.	61½	53½	45½	39½	62
Saint John, N.B.	B.	30	26.3	22.7	17.8	22
to	N.	36	31.3	26.7	22.3	27

Section 2		Cents per	
Items		100 pounds	
5		B.	N.
10	3rd Class.	17	20½
15	4th Class.	17	19½
20	. . . . .	
25	. . . . .	15½	18
30	. . . . .	21	25½
35	. . . . .	24½	30
40	. . . . .	29½	35½
45	. . . . .	21	25½
60	. . . . .	10	12
	. . . . .	18½	22
70	Halifax, N.S.	19	22½
	Windsor Jct., N.S.	13	16

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56614

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

MONDAY, the 31st day of October, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 1 to Tariff C.T.C. No. 1086, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act; the said company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 1 to Tariff C.R.C. No. 1086, approved herein, are as follows:—

	Cents per 100 pounds	
	Billed	Normal
Per barrel	113	137
Per puncheon	253	306

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56616

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 31st day of October, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Supplement No. 15 to Tariff C.T.C. No. E-2629, filed by the Canadian National Railways under section 3 of the Maritime Freight

Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act; the Temiscouata Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 15 to Tariff C.T.C., No. E-2629, approved herein, is: billed, 12; normal, 15 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56624

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 1st day of November, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement No. 55 to Tariff C.T.C. No. E-1974.
Supplement No. 35 to Tariff C.T.C. No. E-2047.
Supplement No. 1 to Tariff C.T.C. No. E-2769.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56625

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 1st day of November, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 140 of Supplement No. 31 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 140 of Supplement No. 31 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item	Cents per 100 pounds
140..	L.C.L. 42½ C.L. 28½

F. NAP. GARCEAU,
Deputy Chief Commissioner.

SUMMARY OF ORDERS ISSUED BY THE BOARD

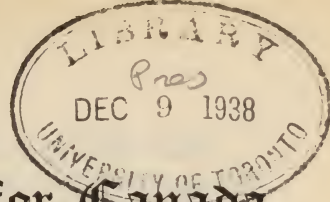
- 56489. Oct. 3—Approving location of stop-boards at crossing of the N.Y.C.R. and the C.N.R. at Niagara Junction, Ont.
- 56490. Oct. 3—Approving under Maritime Freight Rates Act, tolls published in certain tariffs filed by the C.N.R. under Sec. 3.
- 56491. Oct. 3—Refusing the application of the C.N.R. to suspend Order No. 52798 dated Feb. 24th, 1936, *re* crossing at Walton St., Port Hope, Ont.
- 56492. Oct. 3—Approving traffic agreement between the Bell Telephone Co. and the Commissioners for Telephone System of the Municipality of the Township of Otonabee.
- 56493. Oct. 3—Approving traffic agreement between Bell Telephone Co. and the Commissioners for the Telephone System of the Municipality of the Township of Percy.
- 56494. Oct. 4—Approving amendment to certain C.P. Express Company's Tariffs.
- 56495. Oct. 4—Approving agreement between the Bell Telephone Co. and the City of Port William amending existing agreement with the Fort William Telephone System.
- 56496. Oct. 6—Declaring the Pere Marquette Railway crossing of Wallace St., Wallaceburg, Ont., protected to Board's satisfaction.
- 56497. Oct. 6—Declaring the C.N.R. crossing at mileage 71.7, Margo Subdv., protected to Board's satisfaction.
- 56498. Oct. 6—Declaring the C.P.R. crossing at mileage 70.9, Chalk River Subdv., protected to Board's satisfaction.
- 56499. Oct. 5—Rescinding Order No. 56111, dated June 30, 1938, suspending Rule 17, Agent Ransom's Tariff C.T.C. No. 527, as amended in supplement No. 11 thereto, effective June 30.
- 56500. Oct. 6—Approving location of four storage tanks, etc., of North Star Oil Limited, adjacent to C.N.R. at Port Arthur, Ont.
- 56501. Oct. 6—Approving location of storage tanks, etc., of North Star Oil Limited, adjacent to C.N.R. at Portage la Prairie, Man.
- 56502. Oct. 6—Approving location of storage tanks, etc., of North Star Oil Limited at Norquay, Sask. (C.N.R.)
- 56503. Oct. 6—Approving location and layout of the C.N.R. new station at Casselman, Ont.
- 56504. Oct. 4—Requiring the C.P.R. to install an automatic bell and wigwag at crossing of highway near Bristol Station, N.B.
- 56505. Oct. 5—Approving individual revised sheets of the Toll Rate and Route Guide, C.T.C. No. 6668 of the Bell Telephone Co., effective October 9th, 1938.
- 56506. Oct. 5—Approving revised layout of interlocking plant at crossing of C.N.R. Aston and Drummondville Subdivisions at Aston Junction, Que.
- 56507. Oct. 6—Declaring the T.H. & B. crossing of Main St. and Gage Avenue, Hamilton, Ont., protected to Board's satisfaction.
- 56508. Oct. 6—Approving proposed location of storage tanks, etc., of North Star Oil Limited, adjacent to C.N.R. at Kentville, Man.
- 56509. Oct. 6—Declaring the C.P.R. crossing at mileage 22.68, Taber Subdv., protected to Board's satisfaction.
- 56510. Oct. 6—Approving proposed location of overhead unloading device, storage tanks, etc., of Cities Service Oil Co. Ltd., St. Thomas, Ont.
- 56511. Oct. 6—Authorizing the Town of Stettler, Alta., to construct a highway crossing over the C.P.R. at mileage 56.8, Lacombe Subdv.
- 56512. Oct. 7—Authorizing the C.N.R. and Algoma Central & Hudson Bay Railway Co. to operate over crossing at Oba, Ont., subject to certain conditions.
- 56513. Oct. 8—Requiring the C.N.R. to appoint a station agent at Endeavor, Sask.
- 56514. Oct. 7—Authorizing the Dept. of Public Works for British Columbia to construct highway crossing over C.P.R. at Wynndel, B.C.
- 56515. Oct. 8—Authorizing the Corporation of the Township of Dysart, Ont., to construct a public highway crossing over the C.N.R. in the Village of Haliburton, Ont.
- 56516. Oct. 8—Rescinding Order No. 52289 dated Sept. 28th, 1935, requiring the Dept. of Public Works and Highways for Prince Edward Island to remove hedge at crossing of C.N.R., mileage 3.8, Souris Subdivision.
- 56517. Oct. 8—Authorizing the Dept. of Public Works for Alberta to construct surveyed road across the Northern Alberta Railways in the West Half of Sec. 28, 65, 16, W4M.
- 56518. Oct. 8—Authorizing the Dept. of Highways for Province of Nova Scotia to reconstruct subway under the C.N.R. at Shubenacadie, N.S.
- 56519. Oct. 11—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56520. Oct. 12—Approving plan in connection with application of C.N.R. showing interlocking protection as installed at the draw span of the Saint John River Bridge, Fredericton, N.B.

- 56521. Oct. 12—Approving proposed installation of eight vertical Storage tanks, etc., of the British American Oil Co., Ltd., adjoining the C.N.R. at Virden, Man.
- 56522. Oct. 12—Authorizing the C.N.R. to operate over sidings serving the Queenston Quarries Ltd., at St. Davids, Ont.
- 56523. Oct. 11—Extending time within which Dept. of Northern Development for Ontario is authorized to maintain temporary crossing authorized by Order No. 49738.
- 56524. Oct. 11—Directing the C.N.R. to reconstruct bridge across Catfish Creek at point 2·84 miles east of Aylmer, Ont.
- 56525. Oct. 11—Declaring the C.P.R. crossing at mileage 84·2, Maple Creek Subdv., protected to Board's satisfaction.
- 56526. Oct. 12—Requiring the C.N.R. to install an automatic bell and wigwag at first crossing east of Martins River Station, N.S.
- 56527. Oct. 12—Approving proposed installation of storage tank, etc., of the North Star Oil Limited adjoining the C.N.R. at Yorkton, Sask.
- 56528. Oct. 12—Approving proposed installation of storage tanks, etc., of British American Oil Co., Ltd., adjoining C.N.R. at Dauphin, Man.
- 56529. Oct. 13—Amending Order No. 56436 so as to make it effective ninety days from date of Order.
- 56530. Oct. 14—Approving plan showing relocation of spur track to serve F. R. Rotter at Salmo, B.C. (Nelson & Fort Sheppard Railway Co.)
- 56531. Oct. 14—Authorizing the Toronto, Hamilton & Buffalo Railway Co. to construct two branch lines into the lands of Max Lax, which lands are leased to Hamilton Millstock & Metal Co., Ltd., Hamilton, Ont.
- 56532. Oct. 14—Approving proposed location of storage tanks of British American Oil Co., Ltd., adjoining C.N.R. at Bengough, Sask.
- 56533. Oct. 14—Authorizing the C.P.R. to operate subway at mileage 13·70 MacTier Subdv.
- 56534. Oct. 14—Approving proposed location of storage tank, etc., of North Star Oil Limited, adjoining the C.N.R. at St. Walburg, Sask.
- 56535. Oct. 14—Approving proposed rearrangement of plant, installation of tanks, etc., of British American Oil Co. Ltd., at Weyburn, Sask.
- 56536. Oct. 13—Approving agreement between Bell Telephone Co. and Cambray Telephone Co., Ltd.
- 56537. Oct. 14—Declaring the C.P.R. crossing at mileage 26·68, Peterboro Subd., protected to Board's satisfaction.
- 56538. Oct. 14—Declaring the C.P.R. crossing at mileage 2·56, Webbwood Subdv., protected to Board's satisfaction.
- 56539. Oct. 13—Approving proposed installation of tanks, etc., of North Star Oil Limited adjoining the C.P.R. at Dryden, Ont.
- 56540. Oct. 15—Approving proposed installation of tanks, etc., of British American Oil Co., Ltd., adjoining the C.N.R. at St. Jean, Man.
- 56541. Oct. 15—Requiring the C.N.R. to plank certain part of Bethune St., Peterborough, Ont., etc.
- 56542. Oct. 15—Requiring the C.N.R. to construct a temporary highway crossing for the use of the public at mileage 14·5, Rouse's Point Subdivision.
- 56543. Oct. 17—Authorizing the C.N.R. to operate their trains over subway at Gibson St., Parry Sound, Ont.
- 56544. Oct. 17—Authorizing the Corp. of Township of Richmond, B.C., to construct highway crossing carrying Westminster Highway, in the Municipality of Richmond, B.C., across the Vancouver & Lulu Island Railway.
- 56545. Oct. 17—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56546. Oct. 17—Approving under Maritime Freight Rates Act toll published in tariff filed by the C.P.R. under Sec. 9.
- 56547. Oct. 17—Declaring the C.N.R. crossing at mileage 45·90, Camrose Subdv., protected to Board's satisfaction.
- 56548. Oct. 17—Declaring the C.N.R. crossing at mileage 84·95, Smith's Falls Subdv., protected to Board's satisfaction.
- 56549. Oct. 17—Declaring the C.N.R. crossing at mileage 3·78, Scotia Subdv., protected to Board's satisfaction.
- 56550. Oct. 18—Authorizing the C.N.R. to construct a subway, etc., at their crossing of Ste. Marguerite St., Montreal, Que.
- 56551. Oct. 18—Authorizing the C.N.R. to reconstruct subway under their tracks at Main St., Coaticook, Que.
- 56552. Oct. 18—Authorizing the C.N.R. to construct an overhead bridge crossing their tracks on Central Ave., in the city of Prince Albert, Sask.
- 56553. Oct. 19—Authorizing the C.N.R. to construct a subway on Notre Dame St., Montreal, Que.
- 56554. Oct. 18—Authorizing the C.N.R. to reconstruct the existing subway at d'Argenson St., Montreal, Que., etc.
- 56555. Oct. 18—Declaring the C.P.R. crossing at mileage 33·03, Shogomoc Subdv., protected to Board's satisfaction.

- 56556. Oct. 19—Declaring the C.N.R. crossing at mileage 128·23, Forest Subdv., protected to Board's satisfaction.
- 56557. Oct. 18—Declaring the C.N.R. crossing at mileage 4·43, Bala Subdv., protected to Board's satisfaction.
- 56558. Oct. 18—Declaring the C.N.R. crossing at mileage 79·95, Sydney Subdv., protected to Board's satisfaction.
- 56559. Oct. 19—Declaring the C.P.R. crossing at mileage 9·95, MacTier Subdv., protected to Board's satisfaction.
- 56560. Oct. 17—Authorizing the C.N.R. to operate their trains under overhead crossing in Lot 1, Con. B, Township of Commanda, District of Nipissing, Province of Ontario.
- 56561. Oct. 17—Authorizing the C.N.R. to operate their trains over subway on Lot 14, Con. 6, Township of Field, District of Sturgeon Falls, Ont.
- 56562. Oct. 18—Rescinding Order No. 54486 authorizing C.N.R. to render draw span fixed at draw bridge over the Mersey River at Liverpool, N.S.
- 56563. Oct. 20—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under Sec. 9.
- 56564. Oct. 19—Adjourning until August 1st, 1939, the application of town of Dorval, Que., for leave to widen crossing of C.N.R. at Côte de Liesse Road, subject to certain conditions.
- 56565. Oct. 20—Authorizing the C.N.R. to operate certain tracks where they enter the building of the Ontario Paper Co. Ltd., at Thorold, Ont.
- 56566. Oct. 20—Authorizing the C.P.R. to construct its tracks, at grade, across Fraser St., at mileage 6·6, Glenboro Subdv., etc.
- 56567. Oct. 20—Approving agreement entered into between the Bell Telephone Co. and South Plantagenet Rural Telephone Co., Ltd.
- 56568. Oct. 21—Approving proposed relocation of tank car unloading rack, pipe lines, etc., of Canadian Oil Companies, Ltd., adjoining the C.P.R. at Perth, Ont.
- 56569. Oct. 21—Approving plan showing proposed removal of derricks in the Lake Erie & Northern Railway Company's tracks at crossings of the C.N.R. and the T.H. & B. Rly., at Brantford, Ont.
- 56570. Oct. 21—Approving plan showing proposed changes in the interlocking plant at the crossing of the C.P.R. Moose Jaw-Lacombe Branch by the C.N.R. near Dodsland, Sask.
- 56571. Oct. 21—Approving proposed changes in interlocking plant at crossing of the C.P.R. Pheasant Hills Branch by C.N.R. near Oban, Sask.
- 56572. Oct. 21—Authorizing the Northern Alberta Railways Co. to construct highway crossing over their railway in the NW Quarter of Sec. 31, 77, Range 4, W6M., Alta.
- 56573. Oct. 24—Approving proposed location of storage tanks and pipe line of North Star Oil Ltd., at Hyas, Sask. (C.N.R.)
- 56574. Oct. 24—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., at Somerset, Man. (C.N.R.)
- 56575. Oct. 24—Approving proposed location of Tomlinson Construction Co. unloading stand, etc., at Macdiarmid, Ont. (C.N.R.)
- 56576. Oct. 24—Approving proposed location of four storage tanks of British American Oil Co., Ltd., at Val d'Or, Que. (C.N.R.)
- 56577. Oct. 24—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Témiscouata Railway Co. under Sec. 9.
- 56578. Oct. 24—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Témiscouata Railway Co. under Sec. 9.
- 56579. Oct. 25—Declaring the C.P.R. crossing north of Wilcox Station protected to Board's satisfaction.
- 56580. Oct. 25—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56581. Oct. 25—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under Sec. 9.
- 56582. Oct. 25—Declaring the C.P.R. crossing at mileage 3·55, Prescott Subdv., protected to Board's satisfaction.
- 56583. Oct. 25—Declaring the C.P.R. crossing, first east of Minnedosa Station, Man., protected to Board's satisfaction.
- 56584. Oct. 24—Approving proposed location of overhead unloading standard, etc., of McColl Frontenac Oil Co., Ltd., at Stratford, Ont.
- 56585. Oct. 25—Authorizing the C.P.R. to remove its shelter at Crumlin, Ont.
- 56586. Oct. 27—Authorizing the National Harbours Board to construct a sewer under tracks of C.N.R. at Sillery, Que.
- 56587. Oct. 25—Requiring the C.N.R. to install an automatic bell and wigwag at crossing of George St., Sydney, N.S.
- 56588. Oct. 26—Approving revised Appendix "A" to traffic agreement between the Bell Telephone Co. and the C.P.R.
- 56589. Oct. 25—Requiring the C.N.R. to install bell and wigwag at crossing of Townsend St., Sydney, N.S.

56590. Oct. 26—Approving corrected Appendix to traffic agreement between the Bell Telephone Co. and La Compagnie de Téléphone Portneuf et Champlain.
56591. Oct. 22—Requiring the C.N.R. to construct a farm crossing on Mr. John Sudeyko's property in the SW $\frac{1}{4}$, 29, 51, 12, W4M, Alta.
56592. Oct. 27—Approving French translation of certain forms of contract restricting the Quebec Central Railway Company's liability in respect of the carriage of traffic.
56593. Oct. 26—Declaring the C.N.R. crossing at mileage 46·8, Renfrew Subdv., protected to Board's satisfaction.
56594. Oct. 26—Declaring the C.N.R. crossing at mileage 64·7, Montmagny Subdv., protected to Board's satisfaction.
56595. Oct. 26—Declaring the C.P.R. crossing at mileage 47·4, Mégantic Subdv., protected to Board's satisfaction.
56596. Oct. 27—Limiting the speed of all southbound movements over Hume St. crossing, Collingwood, Ont., to twenty-five miles an hour. (C.N.R.)
56597. Oct. 27—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., at Balcarres, Sask. (C.P.R.)
56598. Oct. 27—Authorizing the C.P.R. to construct a branch line to serve B. J. Carney & Co. at Chase, B.C.
56599. Oct. 27—Authorizing the Père Marquette Railway Co. to operate its trains on the St. Thomas-Windsor main line, over crossing near Blenheim, Ont., under certain conditions.
56600. Oct. 27—Approving proposed changes to interlocking plant at crossing of the C.N.R. by the C.P.R. at De Beaujeu, Que.
56601. Oct. 27—Approving location of storage tanks, etc., of North Star Oil Ltd., at Moose Range, Sask. (C.N.R.)
56602. Oct. 28—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff and tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
56603. Oct. 28—Approving location of station shelter to be erected at Fire River, Ont. (C.N.R.)
56604. Oct. 28—Approving location of unloading rack, tanks, etc., of British American Oil Co., Ltd., at Wolseley, Sask.
56605. Oct. 28—Approving location of storage tanks, etc., of the British American Oil Co., Ltd., at Neepawa, Man. (C.N.R.)
56606. Oct. 28—Approving location of unloading rack, tanks, etc., of British American Oil Co., Ltd., at Westlock, Alta. (Northern Alberta Railways Co.)
56607. Oct. 28—Approving location of storage tanks, etc., of British American Oil Co., Ltd., at Biggar, Sask. (C.N.R.)
56608. Oct. 28—Approving agreement between Bell Telephone Co. and His Majesty the King, represented by the Honourable the Minister of Lands and Forests of Ontario.
56609. Oct. 28—Approving agreement between Bell Telephone Co. and His Majesty the King, represented by the Honourable the Minister of Lands and Forests of Ontario.
56610. Oct. 31—Declaring the C.N.R. crossing immediately east of Cainsville Station, Ont., protected to Board's satisfaction.
56611. Oct. 31—Approving location of unloading rack, tanks, etc., of British American Oil Co., Ltd., at Humboldt, Sask. (C.N.R.)
56612. Oct. 31—Approving location of underground service station supply tanks of D. S. Gray, near main line of C.N.R. at Paris, Ont.
56613. Oct. 31—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
56614. Oct. 31—Approving clearances at buildings of the John Inglis Co., Ltd., on Strachan Ave., Toronto, Ont. (C.N.R.)
56615. Oct. 31—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the C.N.R. under Sec. 3.
56616. Oct. 31—Approving location of storage tanks, etc., of British American Oil Co., Ltd., at Melville, Sask. (C.N.R.)
56617. Oct. 31—Declaring the C.P.R. crossing at mileage 69·31, Trois Rivières Subdv., protected to Board's satisfaction.
56618. Oct. 31—Approving location of unloading rack, tanks, etc., of North Star Oil Ltd., at Climax, Sask.
56619. Oct. 31—Approving location of unloading rack, tanks, etc., of North Star Oil Ltd., at Climax, Sask.
56620. Oct. 31—Extending time within which branch line may be constructed as required by Order No. 56339.

The Board of Transport Commissioners for Canada



Judgments, Orders, Regulations, and Rulings

XXVIII

Ottawa, December 1, 1938

No. 18

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Application of the Canadian National Railways for an Order granting leave to abandon the operation of the Port Rowan Branch of its Simcoe Subdivision, in the Province of Ontario, between Simcoe (Mile 7.11) on Simcoe Subdivision, and Port Rowan (Mile 16.92), a total distance of 16.92 miles.

File No. 39310.33

JUDGMENT

GARCEAU, DEPUTY CHIEF COMMISSIONER:

This is an application to abandon the operation of the Canadian National Railways' branch from Simcoe to Port Rowan, a mileage of 16.92.

This line was formerly the South Norfolk Railway, incorporated by Act of Parliament in 1887. It received subsidies as follows:—

Town of Charlotteville.....	\$ 20,000 00
Village of Port Rowan.....	20,000 00
Township of South Walsingham.....	40,000 00
Township of Woodhouse.....	5,000 00
Town of Simcoe.....	5,000 00
Dominion Government.....	54,000 00
	<hr/>
	\$144,000 00

The condition upon which the subsidies were granted, as appears from the respective subsidizing by-laws, is as follows: "to operate said line of railway to run at least one train each way per day, with proper accommodation for passengers between the said Town of Simcoe and the said Village of Port Rowan."

This line was opened for operation in 1889. It is in good condition except for the ballast which is of sand and badly in need of resurfacing, and the ties which are soft wood and untreated and in poor condition.

"The territory through which the line passes," says Mr. McDonald of the Canadian National Railways, "is a well settled farming country, producing chiefly apples, small fruits, tobacco and other farm produce, and Port Rowan is the centre of considerable industry and some volume of fish traffic is shipped by express."

There are station agents at Port Rowan and at St. Williams. According to Evidence and the statement of Mr. Tisdale, Counsel for the Municipalities, traffic before the depression was sufficient to permit the railway to operate this line profitably.

Since then, the industrious population of this region has worked steadily and successfully to improve production.

The railway's statement for the year 1937 justifies Mr. Tisdale, Counsel for the Municipality, to say, after stating that the McCall firm of St. Williams during the period of 1927 to 1930 has paid freight to this branch amounting to \$55,700, while, during the period from 1934 to 1937 the revenues credited to this branch and the balance of the system only amounted to \$66,476:—

"What is the answer? Just this—the depression years so depleted the volume of business done by every concern in Canada and elsewhere, almost without exception that naturally the volume of business which these firms could do with the railway was likewise depleted. With the return of normal times and the return of normal business conditions, the firms, which during the depression years had only a small volume of business to give the railways because they were doing only a small volume of business themselves, will, because of their increasing trade, be shipping more and more goods by the railway. I hope and expect that within a few years the McCall firm and other firms and individuals along this branch line will be doing a volume of business exceeding that of the predepression years and I do not feel that I am being unduly optimistic in my hopes and expectations."

* * * *

"Even the statements of the four-year period of 1934-1937 do not disclose any situation which warrants abandonment. An operating loss of \$10,084 in 1936 was cut to \$4,639 in 1937. As to 1938, I understand that May 1938 revenue exceeded May 1937 by over \$1,000 for Port Rowan and St. Williams alone."

* * * *

The revenues in 1934 were \$28,114; the expenses amounted to \$38,672, leaving a deficit of \$10,648; in 1935, the revenues were \$26,494, the expenses were \$35,822, making a deficit of \$9,328; the revenues for 1936 were \$24,761, the expenses \$34,846, leaving a deficit of \$10,084; the figures for 1937 show revenues of \$32,941, expenses of \$37,580, making a deficit of \$4,639.

These statements show that the traffic was always very important and that it has been increasing since 1934, the deficit for last year being reduced to \$4,639.

Since the hearing, the railways have filed detailed statements of their expenses, the labour costs amounting to the following figures:—

Maintenance of Way and Structures—	Labour
1934.....	\$ 7,524 00
1935.....	6,144 00
1936.....	6,574 00
1937.....	6,175 00
Transportation—	
1934.....	9,809 36
1935.....	10,634 20
1936.....	10,795 68
1937.....	8,476 56

In 1934, the deficits were of \$10,648 and wages paid to labour amounted to \$14,333.36; in 1935, the deficit was \$9,328 and the wages paid to labour \$16,778.20; in 1936, the deficit was \$10,084, and the wages paid were \$17,367.68; in 1937, the deficit was \$4,639 and the wages paid were \$14,651.56.

The abandonment, according to the operations of 1937, would mean an economy of approximately \$4,639 for the railway company, but labour would

incur a loss of \$15,000 in wages, with corresponding loss in buying power and ill results for trade and industry.

Moreover, the transportation facilities of this region would be disorganized for a certain period, resulting in inconvenience and loss to the public.

From the facts above stated, it is evident that it is in the public interest for the railway to continue to co-operate towards the development and prosperity of this region, for which purpose it was subsidized.

The railway was justified in making this application and in leaving to the Board the decision regarding its duty to the public in connection with this line, in order to protect itself against unfair criticism about deficits more apparent than real, the services rendered by the railway company cannot all be determined in dollars and cents, and the line should be maintained, more particularly in view of the larger revenue anticipated.

I would dismiss the application.

November 14, 1938.

STONEMAN, COMMISSIONER:

In my opinion, the record indicates, very clearly, that an increase in earnings may be expected on this line in the very near future. I was very favourably impressed with the presentation made on behalf of those opposing this application, and I therefore agree that the application should be dismissed.

Commissioner Stone concurred.

ORDER No. 56737

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," under Section 165A of the Railway Act, for approval of the abandonment of operation of their Port Rowan Branch, Simcoe Division, in the Province of Ontario, between Simcoe and Port Rowan, a distance of 16.92 miles.

File No. 39310.33.

WEDNESDAY, the 16th day of November, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Simcoe, July 15th, 1938, in the presence of Counsel for the municipalities affected and the applicants, and what was alleged—

It is ordered that the application be, and it is hereby, refused.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 56643

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

THURSDAY, the 3rd day of November, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 773, filed by the Temiscouata Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, under the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 773, approved herein, are as follows:—

Note 4 Miles	Cents per 100 pounds Columns			
	A	B	C	D
5	6	5½	4	4
10	6½	5½	4	4
20	8	6	4½	4½
30	9	6½	5	4½
40	9½	8	5½	5
50	10½	8	5½	5
60	12	9	6	5½
70	12	9	6	5½
80	13½	10½	6½	6
90	14	10½	7	6
100	14	10½	7	6
125	14	11	7	6½

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56632

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 4th day of November, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 160 of Supplement No. 17 to Tariff C.T.C. No. E-4645, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 160 of Supplement No. 17 to Tariff C.T.C. No. E-4645, approved herein, is 18 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56633

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 4th day of November, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 140-G of Supplement No. 18 to Tariff C.T.C. No. E-4645, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 140-G of Supplement No. 18 to Tariff C.T.C. No. E-4645, approved herein, is 7½ cents per 100 pounds.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 56634

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 4th day of November, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 915 of the 2nd revised page No. 47 to Tariff C.T.C. No. E-4757, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 915 of 2nd revised page No. 47 to Tariff C.T.C. No. E-4757, approved herein, are as follows:—

Item		Cents per 100 pounds
913	To	
	Berwick, N.S.	59
	Kentville, N.S.	} 59½
	Port Williams, N.S.	

One and one-half cents per 100 pounds to be deducted account of water haul.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 56649

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 8th day of November, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 48 to Tariff C.T.C. No. E-2248.
Supplement 21 to Tariff C.T.C. No. E-2448.
Supplement 13 to Tariff C.T.C. No. E-2762.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56679

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

MONDAY, the 14th day of November, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Index No. 5975 to Supplement No. 19 to Tariff C.T.C. No. 194, filed by the Fredericton and Grand Lake Coal and Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Index No. 5975 of Supplement No. 19 to Tariff C.T.C. No. 194, approved herein, is 250 cents per ton of 2,000 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56685

In the matter of the application of the Niagara, St. Catharines and Toronto Railway Company, hereinafter called the "Applicant Company," under Section 334 of the Railway Act, for approval of its Standard Passenger Tariff C.T.C. No. 363, on file with the Board under file No. 34322.

MONDAY, the 14th day of November, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon its appearing that the applicant company's present Standard Passenger Tariff C.T.C. No. 346 expires on November 30, 1938, and that the applicant company desires to extend the fares for a further period of one year,—

It is ordered: That the applicant company's said Standard Passenger Tariff C.T.C. No. 363, effective December 1, 1938, be, and it is hereby, approved; the said tariff, with a reference to this order, to be published in at least two consecutive weekly issues of *The Canada Gazette*.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 56671

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for permission to file, on less than statutory notice, an amended revised page 61 to their Tariff C.T.C. No. E-2115, to correct an error.

File No. 27612.191

TUESDAY, the 15th day of November, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas Item 849, 57th revised page 61, of the applicants' Tariff C.T.C. No. E-2115 names a rate on scrap iron or steel from Toronto, Ontario, to Hamilton, Ontario, effective November 9, 1938, which was intended to be 7½ cents per 100 pounds, the rate accepted by shippers; but, due to a clerical error, the rate is included in a column headed, "Rates in cents per ton of 2,240 pounds," without proper notation that it is in cents per 100 pounds; and it is desired to make correction on less than statutory notice,—

It is ordered: That the applicants be, and they are hereby, granted leave to file, on one day's notice, a new revised page 61 to their Tariff C.T.C. No. E-2115, amending Item No. 849 to provide for a rate of 7½ cents per 100 pounds on scrap iron or steel from Toronto, Ontario, to Hamilton, Ontario.

H. GUTHRIE,

Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS, SEPTEMBER, 1938

Railway accidents.. . . . 112 with 14 killed and 145 injured.
Railway accidents at highway crossings.. . . 31 with 10 killed and 38 injured.

	Killed	Injured
Passengers.. . . .	1	48
Employees.. . . .	7	92
Others.. . . .	16	43
	24	183

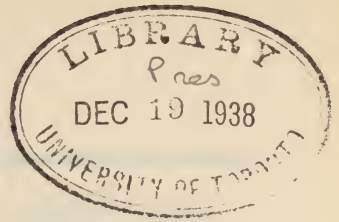
DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents	K.	I.		NOVA SCOTIA
1	1	1	Automobile—	Auto driver disregarded automatic protection and was struck by train. Licence N.S. 73-335.
1	—	1	Auto Truck—	Auto truck drove on to crossing in front of approaching train and was struck. Licence N.S. 11778.
NEW BRUNSWICK				
1	—	2	Automobile—	Automobile drove on to crossing in front of approaching train and was struck. Licence N.B. 27430.
QUEBEC				
1	—	2	Automobile—	Automobile ran into side of train. Licence Que. T-1783.
1	—	2	Automobile—	Automobile struck by track motor car. Licence Que. 7618.
1	1	1	Auto Truck—	Auto truck driver failed to stop for crossing and was struck by train. Licence Que. K-525.
1	—	1	Automobile—	Track motor car struck automobile. Licence Que. 20381.
1	1	—	Automobile—	Automobile ran into side of train. Licence Que. 153871.
1	1	—	Pedestrian —	Child wandered on to crossing in front of approaching train and was struck.
ONTARIO				
1	—	2	Automobile—	Automobile ran into side of train. Licence Ont. 67-J-28.
1	—	1	Automobile—	Automobile drove on to crossing in front of approaching train and was struck. Licence Ont. 7-Y-481.
1	1	—	Automobile—	Automobile ran into side of train. Licence Que. T-4838.
1	—	2	Automobile—	Automobile struck track motor car. Licence Ont. X-1161.
1	—	1	Automobile—	Automobile driver failed to heed bell and wigwag signals and was struck by train. Licence Ont. 19-R-51.
1	1	—	Automobile—	Automobile, defective brakes, drove on to crossing in front of approaching train and was struck. Licence Ont. 604-U-4.
1	—	2	Automobile—	Automobile ran into side of train. Licence Ont. 92-U-95.
1	—	1	Auto Truck—	Auto truck driver either failed to see approaching train or attempted to beat train over crossing and was struck. Licence Ont. 27003-C.
1	2	—	Auto Truck—	Auto truck drove on to crossing in front of approaching train and was struck. Licence Ont. 63607-C.
1	—	1	Auto Truck—	Auto truck drove on to crossing in front of approaching train and was struck. Licence Ont. 20351-C.
1	—	1	Pedestrian —	Pedestrian ignored automatic signals; walked on to crossing in front of approaching train and was struck.
MANITOBA				
1	—	2	Automobile—	Automobile struck by track motor car. Licence Man. 69-235.
1	—	2	Automobile—	Automobile drove on to crossing in front of approaching train and was struck. Licence Man. 57-963.
1	—	1	Automobile—	Automobile ran into side of train. Licence Man. 79988.
SASKATCHEWAN				
1	—	1	Automobile—	Automobile, defective brakes, ran into side of train. Licence Sask. 36469.
1	—	1	Auto Truck—	Auto truck drove on to crossing in front of approaching train and was struck. Licence Sask. 3429.
1	—	2	Automobile—	Automobile drove on to crossing in front of approaching train and was struck. Licence Sask. 44-585.
1	—	4	Automobile—	Automobile struck by track motor car. Licence Sask. 50990.
1	2	—	Automobile—	Automobile drove on to crossing in front of approaching train and was struck. Licence Sask. 4713.
1	—	2	Auto Truck—	Auto truck drove on to crossing in front of approaching train and was struck. Licence Sask. 6598.
ALBERTA				
1	—	1	Automobile—	Automobile drove on to crossing in front of approaching train and was struck. Licence Alta. 28-236.
1	—	1	Automobile—	Automobile ran into side of train. Licence Alta. 65-313.

Of the 31 accidents at highway crossings, 27 occurred at unprotected crossings and 4 at protected crossings.

Twenty-three of the accidents occurred after sunrise, and 8 occurred after sunset.

November 9th, 1938.



The Board of

Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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DANGEROUS PRACTICES OF MOTORISTS, DRIVERS OF OTHER VEHICLES, AND PEDESTRIANS AT PROTECTED CROSSINGS

In many cases accidents at highway crossings are due to the negligence of those driving automobiles and other vehicles and of pedestrians. This negligence is found both at unprotected and protected crossings.

The Canadian National Railway Lines from May 1, 1938, to October 31, 1938, show 164 cases where there was danger at protected crossings due to the negligence of those using the crossings.

The Canadian Pacific Railway from April 1, 1938, to September 30, 1938, shows a total of 181 cases.

The Essex Terminal Railway reports one case.

Notwithstanding safety devices and cautionary signals, people take chances and disregard safety. Motor accidents are becoming more frequent. Every sane motorist deplors this.

The Board hopes that the press will give as much publicity as possible to what is covered in the statement, with the hope that it may educate motor drivers and others to be more careful at crossings.

Some of the dangerous practices of careless drivers at highway crossings are set forth in the following lists. The most effective method of lessening such practices is through a program of education by the press.

CANADIAN NATIONAL RAILWAYS

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
Apr. 9.....	5.50 p.m...	Strachan Avenue, Toronto, Ont.		Truck approached crossing at excessive speed resulting in damage to crossing gate.
April 22.....	9.30 p.m...	Dundas Street, Oakville, Ont.	Ont. 22-M-54....	Auto drove through the gates when they were down.
April 30.....	8.10 a.m...	John Street, Aylmer, Ont.	Ont. 3788-9C....	South gate was down and was lowering north gate when truck backed around out of driveway on north side of track and drove into gate. Tower bell was ringing.
May 2.....	9.40 p.m...	Bout de L'Isle, Notre Dame St. E., Montreal, Que.	Que. L-1119....	Attempted to drive truck over crossing ahead of engine—truck struck by engine.
May 3.....	8.10 a.m...	King Street, Sherbrooke, Que.	Que. 136-527....	Auto ran through southeast arm of gate which was lowered.
May 5.....	7.05 p.m...	Atwater Avenue, Mont- real, Que.	Que. 70106.....	Auto failed to stop for red lamp.
May 5.....	4.17 p.m...	Laframboise Street, St. Hyacinthe, Que.	Que. 94-005....	Auto proceeded forward against signal.
May 5.....	4.08 p.m...	Dundas Street, Trenton, Ont.	Ont. 59-A-96....	Auto ran by stop sign.
May 5.....	2.00 p.m...	Edgerton Street, London, Ont.	Ont. 469-P4....	Auto failed to heed warning of man protecting crossing and barely missed being struck.
May 6.....	10.38 a.m...	Ayr Road, Paris Jct., Ont.	Ont. C-72616....	Truck did not stop Approach No. 17 and appeared to have just cleared crossing when No. 17 passed over.
May 6.....	14.50 K....	Public Crossing M.P. 40-38 Unity S. Westerly Bch. Edmonton, Alta.	Sask. 35-290....	Auto struck Chevrolet sedan. Engine bell was ringing and whistle had been sounded. Views were good.
May 7.....	10.30 p.m...	Atwater Avenue, Mont- real, Que.	Que. 74891.....	Auto failed to stop for red lamp.
May 7.....	7.25 p.m...	Atwater Avenue, Mont- real, Que.	Que. F-756.....	Auto failed to stop for red lamp.
May 12.....	10.45 p.m...	Low Level Bridge, Ed- monton Terminal, Ed- monton, Alta.	Alta. 256.....	Flagman at south end of bridge stopped car and when stopping another car the driver of Licence No. 256 proceeded resulting in a near collision.
May 10.....	1.30 p.m...	Water Street, Summer- side, P.E.I.	P.E.I. 2365....	Auto backed stopping on cross- ing.
May 12.....	7.20 p.m...	Atwater Avenue, Mont- real, Que.	Que. 50556....	Auto failed to stop for red lamp.
May 13.....	11.45 p.m...	Water Street, Summer- side, P.E.I.	P.E.I. 6477....	Driver of auto ignored Stop Sig- nal.
May 14.....	7.00 p.m...	Atwater Avenue, Mont- real, Que.	Que. 44183....	Auto failed to stop for red lamp.
May 17.....	6.45 p.m...	Atwater Avenue, Mont- real, Que.	Que. 25287....	Auto failed to stop for red flag.
May 17.....	19.10 K....	Sixth Street, Brandon, Man.	Man. 11-005....	Yard engine about ten feet from crossing; stop sign displayed. Auto had almost slowed down, then raced over crossing ahead of sign.
May 17.....	12.05 p.m...	1st Avenue East, Prince Albert, Sask.	Sask. CV-135....	Truck drove past stop sign when engine approaching crossing.
May 18.....	16.45 K....	1st Avenue, Prince Albert, Sask.	Sask. T-832....	Truck drove past stop sign when engine was crossing which was very dangerous to himself and others.
May 19.....	6.40 p.m...	Atwater Avenue, Mont- real, Que.	Que. 46056....	Auto failed to stop for red flag.
May 19.....	8.30 p.m...	Atwater Avenue, Mont- real, Que.	Que. 45479....	Auto failed to stop for red lamp.
May 20.....		Front Street, Toronto, Ont.		Auto entered crossing when gates were lowered and bell ringing.
May 21.....	19.35 K....	1st Avenue East, Prince Albert, Sask.	Sask. 23-902....	Auto crossed in front of engine when stop sign against him.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
May 25.....	8.15 a.m...	Mill Street, Saint John, N.B.	N.B. 4147.....	Gates were being lowered; bells were ringing, street traffic light on and gates almost down. Auto driven beneath south gate which had to be held to avoid having it torn off. Train brought to a stop and auto backed clear of the crossing.
May 25.....	7.15 p.m...	Atwater Avenue, Mont- real, Que.	Que. 49102.....	Auto failed to stop for red lamp.
May 29.....	9.05 p.m...	Woodbine Avenue, Toron- to, Ont.	Ont. 42-B-81....	Auto entered crossing after bell was ringing and crossing gates being lowered.
May 31.....	17.20 K.....	Seventh Avenue between Smith and Lorne Streets, Regina, Sask.	Sask. T-1274....	Auto disregarded wigwag signal, and drove toward crossing in front of train. Necessary to drive over sidewalk to avoid striking train. Railroad crossing sign post struck and knocked down.
June 2.....	.....	1st Avenue, Prince Albert, Sask.	Sask. 1-118.....	Auto crossed in front of C.P.R. train when train in motion. Red light against him.
June 2.....	15.18 K.....	1st Avenue, Prince Albert, Sask.	Sask. 23627.....	Auto drove past stop sign when engine switching cars over crossing which was only a short distance away.
June 6.....	7.15 p.m...	Atwater Avenue, Mont- real, Que.	Que. 16400.....	Auto failed to stop for red lamp.
June 6.....	7.05 p.m...	Atwater Avenue, Mont- real, Que.	Que. 17998.....	Auto failed to stop for red lamp.
June 6.....	3.30 p.m...	Plank Road, Sarnia, Ont..	Ont. 108-P-8....	Brakes did not hold in time to prevent auto from hitting gates.
June 9.....	21.50 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 23-101....	Auto crossed in front of moving train with red light against it.
June 11.....	1.25 a.m...	Bronson Avenue, Ottawa, Ont.	Ont. 4-633.....	Vehicle travelling 30 or 40 miles per hour and ran into crossing gate which was down.
June 15.....	6.33 p.m...	Atwater Avenue, Mont- real, Que.	Que. 145118.....	Auto failed to stop for red flag.
June 17.....	8.45 p.m...	Atwater Avenue, Mont- real, Que.	Que. 40700.....	Auto failed to stop for red lamp.
June 17.....	4.45 p.m...	Water Street, Summerside, P.E.I.	P.E.I. T-810....	Auto driver ignored stop signal.
June 17.....	8.40 a.m...	Racine Street, Chicoutimi, Que.	Que. A-577.....	Auto proceeded over crossing ahead of passenger train, swerved sideways and was struck left side by engine.
June 18.....	17.50 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 23477.....	Auto drove past stop sign when engine approaching crossing.
June 20.....	10.45 a.m...	Water Street, Summer- side, P.E.I.	P.E.I. 6199.....	Ignored stop signal.
June 27.....	10.55 a.m...	Water Street, Summer- side, P.E.I.	P.E.I. 2460.....	Ignored stop signal.
June 28.....	8.50 K.....	Public Crossing M.P. 0-56 (GTP Yd.) (50th Ave. E.), Calgary, Alta.	Alta. 93.....	Driver of auto truck failed to make sure crossing was clear before driving truck onto same.
June 29.....	6.55 a.m...	Centre Street, Montreal, Que.	Que. 74005.....	Driver of auto overlooked red flag in hands of flagman.
June 29.....	6.55 a.m...	Centre Street, (Sherwin- Williams) (Montreal, Que.)	Que. 74005.....	Driver of auto overlooked red flag in hands of flagman.
June 29.....	1.15 p.m...	Water Street, Summer- side, P.E.I.	P.E.I. 7046....	Auto backed stopping on crossing.
July 1.....	8.02 a.m...	Second crossing west of Lynden, Ont.	Ont. 70-E-56....	Auto ran over crossing in front of passenger train.
July 2.....	9.05 a.m...	Pictou Street, Truro, N.S.	N.S. 60-166....	Auto passed under gates when down.
July 4.....	1.52 p.m...	Cedar Street, Dunnville, Ont.	Ont. 2-138.....	Failure on part of driver of vehicle to exercise caution approaching railway crossing and ran into side of engine.
July 5.....	10.50 a.m...	Water Street, Summer- side, P.E.I.	P.E.I. 4-545....	Driver of auto disregarded stop signal.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
July 4.....	12.55 p.m...	Water Street, Summer- side, P.E.I.	P.E.I. 7-040....	Auto stopped on crossing.
July 6.....	8.30 a.m...	John Street, Aylmer, Ont.	Ont. 37889-C....	Auto did not stop on signal going over tracks behind way-freight while said train was switching over crossing.
July 7.....	21.15 K.....	1st Avenue East, Prince Albert, Sask.	Sask. CV-273...	Truck crossed in front of moving train when stop sign against it.
July 7.....	21.55 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 653-S.....	Truck crossed in front of moving train when stop light against it.
June 9.....	9.05 a.m...	St. Placide Rd., L'Orignal Sub., Quebec.	Que. N-3921....	Failure to stop at crossing; struck van on extra backing down main line.
July 9.....	3.45 p.m...	Davenport Rd., Toronto, Ont.	Ont. 18118-C....	Brake not holding car, which slid into crossing gates.
July 18.....	10.00 a.m...	Royce Avenue, Toronto, Ont.	Ont. 918-V-6....	Failure to observe railway sig- nals. Ran through crossing gates when down.
July 16.....	10.00 a.m...	South Front Street, Belle- ville, Ont.	Ont. 737-Z-4....	Auto drove into crossing gate while being lowered for a train.
July 18.....	1.25 p.m...	Parry Sound Road, South Parry, Ont.	Ont. 761-T-8....	Auto ran into side of express. Both driver and brother who were in auto admit hearing engine whistle sounded. Visi- bility good. Apparently no brakes on auto.
July 19.....	6.45 p.m...	Atwater Avenue, Mon- treal, Que.	Que. 48357.....	Auto failed to stop for red flag.
July 20.....	8.02 a.m...	Downie Street, Stratford, Ont.	Ont. 10-N-43....	Auto disregarded watchman's stop signal when train ap- proaching.
July 21.....	8.09 p.m...	Highway Isle Bigras Sta- tion, Montfort Subdivi- sion, Que.	Que. 59000.....	Auto stopped on track in front of approaching train, then backed off track but did not clear train.
July 21.....	10.45 a.m...	Jones Avenue, Toronto, Ont.	Ont. 9041-C....	Operating onto crossing before gates were clear, resulting in damage to crossing gate.
July 26.....	1.30 p.m...	Josephine Street, Wing- ham, Ont.	Ont. 15-L-81....	Auto driver entirely disregard- ed crossing watchman's signal to stop.
July 26.....	10.25 p.m...	Weston Road, Toronto, Ont.	Ont. 635-Y-3....	Auto driver attempted to enter crossing when warning bell was ringing and gates going down.
July 27.....	6.40 p.m...	Public Road east of Mait- land Stn., Maitland, Ont.	Ont. TH-457....	Auto failed to stop in time and ran into side of Extra west of which engine and 20 cars had passed over crossing.
July 27.....	8.50 p.m...	Booth Street, Ottawa, Ont.	Ont. 455-U-2....	Watchman was displacing red lights for train to pass over crossing, auto slowed down, then went by red light. Train about 75 ft., from crossing.
July 27.....	10.24 p.m...	Booth Street, Ottawa, Ont.	Ont. 6-V-232....	Passed watchman displaying red light for train to pass over crossing. Driver very reckless.
July 28.....	20.55 K.....	Water Street, Winnipeg, Man.	Man. 7-074-38...	Auto driver went against red light.
July 29.....	12.45 a.m...	1st Avenue East, Prince Albert, Sask.	Sask. 23-090....	Auto passed stop sign while switch engine was backing over crossing.
July 21.....	12.50 a.m...	Public Road, M.P. 84.8 Unity Sub., Edmonton, Alta.	.....	Tractor pulling 3-furrow plow. After stopping 12 feet from the track proceeded and was struck by engine. The driver disregarded whistle signals sounded.
Aug. 3.....	.....	1st Avenue East, Prince Albert, Sask.	Sask. 24-604....	Auto crossed in front of moving train when stop light against it.
Aug. 4.....	10.30 a.m...	Heriot St., Drummond- ville, Que.	Que. 98681.....	Gates were down on both sides of Heriot St. Auto struck north gate of above street and damaged same.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
Aug. 4.....	3.20 p.m...	Ferry Street, Sydney, N.S.	N.S. 95-377.....	Auto speeding approaching crossing. Damage to gate.
Aug. 5.....	6.28 p.m...	Atwater Avenue, Montreal, Que.	Que. 20643.....	Car failed to stop for red flag.
Aug. 5.....	11.00 a.m...	Water Street, Summerside, P.E.I.	P.E.I. C-84.....	Auto driver ignored stop signal.
Aug. 6.....	19.37 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 833.....	Auto speeded in front of moving train when stop light against it.
Aug. 8.....	6.35 p.m...	Cannon Street, Hamilton, Ont.	Ont. 8-E-583.....	Auto driver disregarded watchman's signal to stop running past and almost hit by engine and three cars.
Aug. 9.....	21.50 K.....	Water Avenue, Winnipeg, Man.	Man. 21-151.....	Auto driver went against red light.
Aug. 10.....	11.55 a.m...	Strachan Avenue, Toronto, Ont.	Ont. 82832-C....	Auto approached crossing at excessive speed failing to observe signals.
Aug. 11.....	8.08 a.m...	24th Street, Saskatoon, Sask.	Sask. 11-127.....	Auto driver disregarded both stationary and watchman's signals. Knocked boy off bike; stalled auto on tracks as train within short distance from crossing.
Aug. 11.....	21.15 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 24-044.....	Auto crossed in front of moving train with stop signal against it.
Aug. 13.....	4.17 p.m...	Young Street, Truro, N.S.	N.S. 21-047.....	Auto would not stop for signal; drove out on track and stopped directly in front of train. Would have been hit only switchman got engine stopped.
Aug. 13.....	21.55 K.....	Water Avenue, Winnipeg, Man.	Man. 26-259.....	Auto driver went against red light.
Aug. 14.....	3.30 a.m...	Manitoba Street, St. Thomas, Ont.	.....	Driver failed to wait until north-west gate was raised.
Aug. 16.....	21.15 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 24-325.....	Auto crossed in front of moving train with stop light against it.
Aug. 16.....	2.50 p.m...	Prince Street, Pictou, N.S.	.....	Auto driver stopped car on crossing to talk to pedestrian.
Aug. 17.....	21.50 K.....	95th Street, Edmonton, Alta.	Alta. 58-320.....	Watchman had gates down for No. 2 train when auto driven through north gate. There was a red light on the gate and same was burning. Driver claims he did not see the light nor the gate.
Aug. 17.....	21.15 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 24-170.....	Auto crossed in front of moving train when stop light against it.
Aug. 18.....	5.08 p.m...	Young Street, Truro, N.S.	N.S. 53-116.....	Auto would not stop for signal. Drove across track in front of engine.
Aug. 20.....	20.50 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 23-027.....	Auto crossed in front of moving train when stop sign against it.
Aug. 22.....	6.33 p.m...	Atwater Avenue, Montreal, Que.	Que. 159539.....	Auto failed to stop on signal, almost running down flagman.
Aug. 23.....	5.30 p.m...	Victoria Street, New Glasgow, N.S.	N.S. 61-322.....	Fast freight coming from east. Train no more than 25 feet away and car refused to stop. Watchman nearly caught.
Aug. 24.....	9.40 a.m...	Strachan Avenue, Toronto, Ont.	Ont. 446-A-5.....	Failure to approach the crossing under proper control, resulting in damage to crossing gate.
Aug. 24.....	5.15 p.m...	Prince Street, Pictou, N.S.	N.S. 54-755.....	Auto drove on to crossing while gates were lowering.
Aug. 24.....	.....	Gilbert's Lane, Saint John Terminal.	N.B. 4-U-746...	Operator apparently lost control of car coming down Wright St. hill. Crossing gate casting broken.
Aug. 24.....	7.10 p.m...	Atwater Avenue, Montreal, P.Q.	Que. 168358.....	Car failed to stop for red lamp.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
Aug. 25.....		First Public Crossing, Sundridge, Ont.	Ont. 3-P-91.....	Auto went over crossing directly ahead of engine although signalled to stop by fireman. Engineman applied brakes in emergency to avoid striking auto.
Aug. 25.....	2.31 p.m.	Echo Drive, Ottawa, Ont.	Ont. 18-U-8.....	Auto speeded over crossing in front of approaching train and against signal.
Aug. 25.....	9.43 a.m.	Echo Drive, Ottawa, Ont.	Ont. 21-U-84....	Auto approached crossing and speeded across in front of approaching train and against signal.
Aug. 25.....	6.35 p.m.	Atwater Avenue, Montreal, P.Q.	Que. 38807.....	Auto failed to stop for red light.
Aug. 25.....	3.10 p.m.	Dundas Street, Trenton, Ont.	Ont. 14179C.....	Truck ran by stop sign.
Aug. 27.....	19.30 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 23-316....	Auto crossed in front of moving train when stop light against it.
Aug. 27.....	21.15 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 8-505.....	Auto crossed in front of moving train with stop light against it.
Aug. 29.....	7.30 p.m.	Atwater Avenue, Montreal, Que.	Que. 18990-46970	Auto failed to stop on signal from flagman.
Aug. 29.....	21.15 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 25-396....	Auto crossed in front of moving train when stop light against it.
Aug. 29.....	5.20 p.m.	Prince Street, Pictou, N.S.	N.S. 74-339.....	Driver of auto stopped on crossing to talk to pedestrian.
Aug. 29.....	11.25 p.m.	George Street, New Glasgow, N.S.	N.S. C-16-332...	Auto crossed ahead of train as gates were coming down.
Aug. 31.....	18.25 K.....	Private Crossing, M.P. 60.7 Drumheller Subdivision, Alta.	Alta. 10-166....	Driver of auto failed to make sure no train was approaching crossing before driving onto same.
Aug. 30.....	20.10 K.....	Water Avenue, Winnipeg, Man.	Man. 18-845.....	Auto went through red light.
Aug. 31.....	18.02 K.....	Madison Station, Elrose Subdivision, Saskatchewan.	.....	Auto drove onto crossing in face of approaching train.
Aug. 31.....	6.40 p.m.	Sherman Avenue, Hamilton, Ont.	Ont. 7-E-327....	Auto approached crossing at an excessive rate of speed.
Sept. 2.....	9.37 a.m.	Public crossing east of Forgan Station, M. 38-5, Elrose Subdivision, Forgan, Sask.	Sask. 3429.....	Truck drove on to public crossing in face of approaching train.
Sept. 3.....	5.15 p.m.	Front Street, Toronto, Ont.	Ont. 43-B-16....	Failure to obey traffic signals resulting in damage to crossing gate.
Sept. 3.....	17.10 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 23-479....	Auto passed in front of moving engine when stop sign against driver of same.
Sept. 4.....	10.30 p.m.	First Crossing north of Washago Stn., Highway No. 11, M. 89-2, Bala Subdivision, Washago, Ont.	Ont. 6-T-338....	Auto struck guard rail and post protecting new crossing bell and wigwag at northeast corner of crossing, tearing out guard post and rails, putting wigwag out of service.
Sept. 5.....	20.50 K.....	Water Avenue, Winnipeg, Man.	Man. 11-888.....	Auto went by red light.
Sept. 3.....	7.25 p.m.	Atwater Avenue, Montreal, Que.	Que. M-674.....	Motorcycle failed to stop for red lamp.
Sept. 8.....	7.25 p.m.	Atwater Avenue, Montreal, Que.	Que. 51478.....	Auto failed to stop for red lamp.
Sept. 9.....	7.40 p.m.	Atwater Avenue, Montreal, Que.	Que. 167611.....	Auto failed to stop for red lamp and nearly ran down flagman.
Sept. 9.....	1.30 p.m.	Bosse Street, Chicoutimi, Que.	Que. T-3006.....	Auto out of control, broke highway crossing post, damaged 15 feet of railway fence. Saguenay Electric Co. post also broken and electric wires fell across telegraph wires interrupting service.
Sept. 12.....	12.25 p.m.	Wellington Street, Hamilton, Ont.	Ont. 3-E-503....	Auto approached crossing slowly but failed to observe that the gates were down.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
Sept. 12.....	16.25 K.....	1st Avenue East, Prince Albert, Sask.	Sask. T-1090....	Auto driver failed to observe stop sign passing in front of moving train.
Sept. 13.....	6.30 p.m...	Charlevoix Street, Montreal, Que.	Que. 63998.....	Car failed to stop for red lamp.
Sept. 13.....	6.40 p.m...	Atwater Avenue, Montreal, Que.	Que. 88159.....	Car failed to stop for red lamp.
Sept. 16.....	20.10 K.....	Water Avenue, Winnipeg, Man.	Man. T-3-709....	Auto went against red light.
Sept. 17.....	20.20 K.....	Water Avenue, Winnipeg, Man.	Man. 28-297....	Auto went against red light.
Sept. 17.....	3.35 p.m...	Muskoka Road, Highway No. 11, M. 111-8, Newmarket Subdivision, Gravenhurst, Ont.	Ont. 35-P-88....	When engine was backing towards crossing, engine whistle sounded and engine bell ringing, also wigwags and crossing-bell working, engineer stopped with tender halfway over crossing to avoid striking auto which disregarded all signals and passed over, crossing on wrong side of road against current of traffic to get around engine.
Sept. 17.....	16.05 K.....	Public Road, M.P. 45-9, Camrose Subdiv'n, Edmonton, Alta.	Alta. 28-236....	The auto driver claims he did not hear whistle signal although same was given. The driver apparently was not looking for approaching train.
Sept. 18.....	9.10 K.....	Public Crossing west of Rosetown, Sask.	.....	Truck passed over crossing in face of approaching train and just missed being hit.
Sept. 18.....	20.00 K.....	Sixth Street, Brandon, Man.	Man. 64-587....	Passing over crossing when red light against him. Light engine only 66 feet away.
Sept. 18.....	12.00 p.m...	Pictou Street, Truro, N.S.	N.S. 63-216....	Auto broke through gates.
Sept. 19.....	21.35 K.....	Water Street, Winnipeg, Man.	Man. 53-456....	Auto driver went against red light.
Sept. 21.....	8.40 p.m...	Public Crossing east of Lac aux Sables Station, Que.	Que. T-1783....	Automobile ran into side of fifth car in train on public crossing.
Sept. 24.....	5.20 p.m...	Perth Street, Brockville, Ont.	Ont. 34906-C....	Auto ran into crossing gates which were down at the time, breaking gate arm.
Sept. 25.....	7.30 a.m...	Kipling Avenue, Mimico, Ont.	Ont. 49-A-71....	Kipling Avenue is barricaded and foot path for pedestrians has been established with crossing watchman protecting. Auto driven to crossing and driver advised that it was a pedestrian crossing only, but he removed north barrier, drove over crossing and knocked down south barrier and continued on his way. The barricade referred to is necessary by reason of the construction of a subway at this crossing.
Sept. 25.....	10.10 K.....	1st Avenue East, Prince Albert, Sask.	.....	Auto passed in front of moving train when stop light against it.
Sept. 28.....	16.00 K.....	33rd Street, Saskatoon, Sask.	Sask. 11-657....	Auto drove up on track in front of approaching train with engine only few feet away, and then backed off crossing. Just escaped being struck by engine.
Oct. 5.....	5.15 p.m...	Bronson Avenue, Ottawa, Ont.	.....	Driver of truck disregarded ringing of bell and speeded up car to get past north gate before it would strike car. Watchman had to stop south gate or it would have been broken.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
Oct. 8.....	19.38 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 24-057....	Auto crossed in front of moving train with stop light against it.
Oct. 9.....	2.40 p.m....	Bronson Avenue, Ottawa, Ont.	Ont. 302-B-3....	Auto driver endeavoured to get over crossing while gates were being lowered.
Oct. 13.....	11.35 p.m....	Weston Road, Toronto, Ont.	Ont. 8-Z-601....	Auto failed to observe railway signals, slipped under lower gate on to crossing breaking outgoing gate.
Oct. 14.....	4.35 a.m....	Mill Street, Saint John, N.B.	.....	Hit and run driver, could not get number. Cracked No. 2 gate on south side. Car going toward north end.
Oct. 16.....	10.35 K.....	Public Crossing, M.P. 37-2 Oyen Subd., Calgary, Alta.	.....	Driver of truck failed to make sure crossing was clear before driving on to same.
Oct. 17.....	5.30 p.m....	Lesperance Road, Tecumseh, Ont.	.....	Moving a house over railway tracks in front of eastbound train, without first giving notification of intention to the railway so that proper protection could be provided. This is not the first offence, and this man moves several houses each year.
Oct. 17.....	11.00 a.m....	Water Street, Summer-side, P.E.I.	P.E.I. 5921....	Auto driver ignored stop signal.
Oct. 17.....	19.00 K.....	Water Avenue, Winnipeg, Man.	Man. 24076.....	Driver of auto went against red light.
Oct. 17.....	14.05 K.....	Water Avenue, Winnipeg, Man.	Man. 3-411.....	Auto speeded through stop signal in front of engine moving over crossing.
Oct. 18.....	21.10 K.....	Water Avenue, Winnipeg, Man.	Man. 23-310....	Auto went against red signal.
Oct. 19.....	21.52 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 24-044....	Auto passed stop light and crossed in front of moving train.
Oct. 18.....	21.15 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 72-352....	Auto passed stop light and crossed in front of moving train.
Oct. 20.....	19.50 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 23-116....	Auto passed stop light and crossed in front of moving train.
Oct. 20.....	3.30 p.m....	First Public Crossing M. 13-4 Meaford Subd., Brentwood, Ont.	Ont. 35-A-21....	Driver of auto did not notice train until about 80 ft. from the track; brakes not good and unable to stop before running into train. Whistle sounded and bell ringing.
Oct. 21.....	21.20 K.....	11th Street West, M. 5 Govel Subd., Saskatoon, Sask.	Sask. T-2480....	Drove auto truck into side of train standing on loop and crossing.
Oct. 21.....	10.40 a.m....	Zipling Avenue, Mimico, Ont.	Ont. 15-W-18....	Subway being installed at this point and signs showing "Vehicles Prohibited" but driver of auto disregarded this, also crossing watchman's sign and drove over crossing.
Oct. 22.....	16.00 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 24247....	Car drove past stop sign when engine approaching crossing after cut off.
Oct. 21.....	12.30 p.m....	Mill Street, Saint John, N.B.	.....	Auto drove beneath lowering gate arm. Top of car was hooked by rest rod. Red traffic and gate lights on. Warning bells from crossing and engine bell sounded.
Oct. 23.....	9.35 a.m....	Queen Street, Moncton, N.B.	N.B. 17358....	Coming up Queen St. auto stopped when wigwag started to ring and when gates half way down. It started across and broke the gate on the west side of the crossing.

CANADIAN NATIONAL RAILWAYS—*Concluded*

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
Oct. 24.....	18.10 K.....	Low Level Bridge, Ed- monton, Alta.	Alta. 22-118.....	Engine was going to shove two cars northward over bridge. Switchman went to opposite end of bridge and was flagging the traffic when auto ran around him.
Oct. 26.....	5.00 a.m....	Dundas Street, Trenton, Ont.	Ont. 65-B-8.....	Motorist approximately 100 ft. away when sign put up and drove by without look or signal.
Oct. 31.....	.....	Mill Street, Saint John, N.B.	N.B. 3640.....	Auto damaged gate.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)

NEW BRUNSWICK DISTRICT

April 1.....	4.30 p.m....	Main Street, Fairville, N.B.	NB 1-1434.....	Auto drove under gate while being lowered.
April 3.....	1.05 p.m....	Douglas Avenue, Saint John, N.B.	NB 3-781.....	Auto drove under gate while being lowered.
April 4.....	6.00 p.m....	Main Street, Fairville, N.B.	NB 5-209.....	Auto drove under gate while being lowered.
April 14.....	3.15 p.m....	Main Street, Fairville, N.B.	NB 5-617.....	Auto drove under gate while being lowered.
April 20.....	7.00 p.m....	Main Street, Fairville, N.B.	NB unknown...	Auto struck and damaged west gate when same lowered for passing train.
May 3.....	5.55 p.m....	Main Street, Fairville, N.B.	NB 5-044.....	Auto drove under gate while being lowered.
May 6.....	3.10 p.m....	Main Street, Fairville, N.B.	NB 5-203.....	Auto drove under gate while being lowered.
May 7.....	2.05 p.m....	Main Street, Fairville, N.B.	NB 2-256.....	Auto drove under gate while being lowered.
May 8.....	4.00 p.m....	Main Street, Fairville, N.B.	NB 1-190.....	Auto drove under gate while being lowered.
May 12.....	4.05 p.m....	Main Street, Fairville, N.B.	NB 6-507.....	Auto drove under gate while being lowered.
May 14.....	4.15 p.m....	Main Street, Fairville, N.B.	NB 5-107.....	Auto drove under gate while being lowered.
May 18.....	6.00 p.m....	Main Street, Fairville, N.B.	NB 3-014.....	Auto drove under gate while being lowered.
May 30.....	9.38 a.m....	Douglas Highway, Mile- age 54-63, Gibson S.D.	NB 6-668.....	As train approached crossing Engineer observed automobile also approaching crossing at high rate of speed, and figuring they would meet at crossing and auto maintaining high speed he applied brake and obliged to bring his train al- most to a stop, although auto did stop short of crossing. Two ladies, occupants of car, considered affair a joke and laughed as train went by.
May 30.....	2.35 p.m....	Main Street, Fairville, N.B.	NB 5-112.....	Auto drove under gate while being lowered.
June 2.....	2.15 p.m....	Main Street, Fairville, N.B.	NB 2-164.....	Auto drove under gate while being lowered.
June 4.....	2.35 p.m....	Main Street, Fairville, N.B.	NB 7-672.....	Auto drove under gate while being lowered.
June 10.....	3.00 p.m....	Main Street, Fairville, N.B.	NB 7-686.....	Auto drove under gate while being lowered.
June 15.....	6.00 p.m....	Main Street, Fairville, N.B.	NB 6-621.....	Auto drove under gate while being lowered.
June 18.....	12.20 p.m....	Main Street, Fairville, N.B.	NB 6-417.....	Auto drove under gate while being lowered.
June 18.....	6.20 p.m....	Main Street, Fairville, N.B.	NB 1-238.....	Auto drove under gate while being lowered.
June 20.....	4.20 p.m....	Douglas Avenue, Saint John, N.B.	NB 7-210.....	Auto drove under gate while being lowered.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

NEW BRUNSWICK DISTRICT—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
June 23.....	1.00 p.m...	Main Street, Fairville, N.B.	NB 22-361.....	Auto drove under gate while being lowered.
June 27.....	5.00 p.m...	Main Street, Fairville, N.B.	NB 6-071.....	Auto drove under gate while being lowered.
June 29.....	9.00 p.m...	Main Street, Fairville, N.B.	NB 6-627.....	Auto drove under gate while being lowered.
July 4.....	3.00 p.m...	Douglas Avenue, Saint John, N.B.	NY 4-5099.....	Drove under gate while being lowered.
Aug. 11.....	5.57 a.m...	Main Street, Fairville, N.B.	NB 6-671.....	Drove under gate while being lowered.
Aug. 18.....	7.45 a.m...	Douglas Avenue, Saint John, N.B.	NB 1-524.....	Drove under east gate while being lowered.
Sept. 1.....	11.15 a.m...	Main Street, Fairville, N.B.	NB 4-632.....	Struck and damaged west gate when same in lowered position after train passed.
Sept. 14.....	4.15 p.m...	Douglas Avenue, Saint John, N.B.	NB 7-438.....	Drove under west gate while being lowered.
Sept. 17.....	7.45 a.m...	Douglas Avenue, Saint John, N.B.	Maine 16283.....	Struck tip of gate while being lowered.
Sept. 23.....	11.15 a.m...	Main Street, Fairville, N.B.	NB 2-618.....	Drove under gates while being lowered.

QUEBEC DISTRICT

April 8.....	11.47 a.m...	Bonaventure St., Trois Rivierès, Que.	.....	Crossing gates had been lowered for train movement when auto truck failed to stop before striking north side gate which was broken.
April 17.....	8.50 p.m...	Argyle Street, Renfrew, Ont.	Ont. 9-S-654.....	Auto approached from north and came onto crossing in front of engine. Whistle of engine sounded, engine bell ringing and crossing bell ringing. Crossing protected by electric bells and illuminated danger signs. Auto badly damaged. Driver and passenger injured.
April 19.....	11.47 a.m...	Bonaventure St., Trois Rivierès, Que.	.....	While crossing gates were lowered, a runaway horse hauling baker's cart ran into north side gate and continued on, running into side of coach which was second car in train. Driver of rig advised gateman he had lost control of horse some distance from the crossing and had jumped from cart.
April 20.....	6.25 a.m...	Bonaventure St., Trois Rivierès, Que.	.....	While crossing gates were being lowered for train movement a horse-drawn milk wagon passed under gates and struck the south side gate which was broken.
May 3.....	4.36 p.m...	Public Crossing, west of Stittsville, Ont.	Ont. 56-117-C...	Truck approached crossing from north and sideswiped buffer beam of engine on north left side. Engine whistle sounded, engine bell ringing and crossing bell and wig-wag working O.K.
May 5.....	3.07 p.m...	Crown Street, Quebec, Que.	Que. 1137.....	Crossing gates had been lowered for train movement when auto truck ran by other cars that were stopped and broke both gates on north side and continued on, breaking two gates on south side before stopping. The chauffeur advised gateman that occurrence was due to brakes on truck not being in proper condition.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
May 10.....	8.00 p.m...	Bridge Street, Quebec, Que.	Ont. 95-D-98....	Crossing gates had been lowered for movement of yard engine when auto failed to stop before striking northeast gate which was broken.
July 20.....	8.42 p.m...	Westminster Avenue, Montreal West, Que.	Que. 160-166....	Crossing gates had been lowered for train movement when auto ran through and broke arm of northwest gate.
July 30.....	11.22 a.m...	Elmhurst Avenue, Montreal, Que.	Que. F-19870....	Crossing gates had been lowered for train movement when auto truck failed to stop and struck arm of northwest gate breaking tip of arm.
Aug. 6.....	5.45 a.m...	Moore Street, Carleton Place, Ont.	Ont. 6-S-37.....	Gate was closed for train. Gate-man crossed to other side of crossing when he heard car striking gate, breaking 8 feet off end of gate where same had been spliced.
Aug. 22.....	6.55 a.m...	Gouin Boulevard, Bordeaux, Que.	Que. N-4107....	Crossing gates were being lowered when auto truck passed under south gate and continued on, breaking north side of gate.
Aug. 29.....	4.43 p.m...	Gouin Boulevard, Bordeaux, Que.	Que. F-8980....	While crossing gates were being lowered auto truck approached crossing and failed to stop, breaking arm of southeast gate.
Sept. 1.....	10.45 p.m...	Cardona, Que.....	Que. 5-279.....	While crossing gates were being raised an auto moved over crossing and broke No. 4 gate.
Sept. 25.....	3.50 a.m...	Main Street, Farnham, Que.		Gates had been lowered for shunter working at south end of yard when auto travelling at speed of about 45 miles per hour ran through north gate. Driver did not stop.
Sept. 27.....	9.55 p.m...	Montcalm Street, Hull West, Que.		Engine was backing up to train from Canada Packers' siding, auto ran under gates damaging light slightly.
Sept. 29.....	12.30 p.m...	Crown Street, Quebec, Que.	Que. F-1638....	While crossing gates were being raised on north side of crossing an auto truck moved onto crossing and ran into northeast gate, arm of which was broken. The truck did not stop after breaking gate.

ONTARIO DISTRICT

April 11.....	5.35 p.m...	Cherry Street, Toronto, Ont.	Ont. 10-W-24....	When yard engine was backing out of C.N.R. interchange at Cherry Street, with crossing protected by watchman and all traffic stopped, automobile ran around right-hand side of traffic which was stopped and struck rear left side of tender footboard of engine. Skid marks extended for 30 feet.
May 28.....	5.30 p.m...	MacLennan Avenue, Toronto, Ont.	Ont. 6-A-56....	After receiving warning of train approaching from the east, watchman rang street gong and lowered north gate. Auto travelling north drove on to crossing, but had time to back off again before both gates were lowered.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—*Concluded*ONTARIO DISTRICT—*Concluded*

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
June 18.....	3.00 p.m...	Waterloo Street, London, Ont.	Ont. 768-E-8....	Ford car with poor brakes unable to stop when gates down and had to turn up over curb to avoid hitting gates.
June 27.....	9.40 p.m...	Queen Street, Chatham, Ont.	Ont. 494-F-6....	Although crossing bells ringing and gate arms down with red lantern burning and weather clear, auto ran into and broke gate arms off on east side.
July 13.....	7.35 p.m...	Richmond Street, Lon- don, Ont.	Ont. 7-F-375....	Gates were down for train when auto going at dangerous speed skidded about 80 feet and damaged southeast gate.
Sept. 30.....	11.56 a.m...	No. 2 Highway, M. 62-23 Windsor Subdivision.	Mich. X-72626..	Both wigwag signals working, engine whistle sounded, engine bell ringing. Auto came to a stop for approaching train, and then started ahead and stalled on track in front of freight train and was struck.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)

MANITOBA DISTRICT

May 8.....	.....	Plinquet Street, St. Boni- face, Man.	Man. T-3496....	When train passing over Plinque crossing, which is manually flagged, and moving at a speed of about ten miles per hour, struck a milk truck. Whistle was sounded twice within 500 yards of crossing and engine bell was ringing. Flagman was stationed on crossing with stop signal held out at arms length in left hand, and he also shouted at driver of truck to stop, but without avail, resulting in step on pilot of engine grazing right rear of bumper of truck.
April 20.....	.....	18th Street, Brandon, Man.	Man. 62-216....	Sedan automobile ran into north crossing gate breaking off about ten feet of arm.

SASKATCHEWAN DISTRICT

Regina Division

April 16.....	7.52 K.....	Winnipeg Street, Regina, Sask.	Sask. 41656 61227 A-72	Vehicles moved over crossing when bell was ringing and train approaching.
April 22.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Wagon.....	Vehicle moved over crossing when bell was ringing and train approaching.
April 25.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. 5650 CV-502	Vehicles moved over crossing when bell was ringing and train approaching.
April 26.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. C-45.....	Vehicle moved over crossing when bell was ringing and train approaching.
April 30.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. CV-335 T-1024 62346 65448	Vehicles moved over crossing when bell was ringing and train approaching.
May 9.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. 4191 CV-1404	Vehicles moved over crossing when bell was ringing and train approaching.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Continued

Regina Division—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
May 23.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. 64573.....	Vehicle moved over crossing when bell was ringing and train approaching.
May 25.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. C-25 T-1516	Vehicles moved over crossing when bell was ringing and train approaching.
May 27.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. CV-429...	Vehicle moved over crossing when bell was ringing and train approaching.
May 30.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. 63947 3848	Vehicles moved over crossing when bell was ringing and train approaching.
June 18.....	8.05 K.....	Winnipeg Street, Regina, Sask.	Sask. T-979, T-982.	Vehicles moved over crossing when bell was ringing and train approaching.
June 27.....	7.55 K.....	Winnipeg Street, Regina, Sask.	T-1145.....	Vehicle moved over crossing when bell was ringing and train approaching.
June 28.....	7.55 K.....	Winnipeg Street, Regina, Sask.	T-1118.....	Vehicle moved over crossing when bell was ringing and train approaching.
July 4.....	7.40 K.....	Winnipeg Street, Regina, Sask.	Sask. 63-685...	Vehicle moved over crossing when bell ringing and train approaching.
July 7.....	7.50 K.....	Winnipeg Street, Regina, Sask.	Sask. CV-335...	Vehicle moved over crossing when bell ringing and train approaching.
July 13.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. 1-049, Man. 18-242, 2-110, Wagon	Vehicles moved over crossing when bell ringing and train approaching.
July 21.....	7.52 K.....	Winnipeg Street, Regina, Sask.	Sask. 6-199, T-942, CV-228	Vehicles moved over crossing when bell ringing and train approaching.
July 22.....	7.45 K.....	Winnipeg Street, Regina, Sask.	Sask. L-85, 5-593, 8-582	Vehicles moved over crossing when bell ringing and train approaching.
July 13.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. 62-726, CV-245, 55-915	Vehicles moved over crossing when bell ringing and train approaching.
July 19.....	8.05 K.....	Winnipeg Street, Regina, Sask.	Sask. T-1265, T-771, Alta. 8-536	Vehicles moved over crossing when bell ringing and train approaching.
July 20.....	8.00 K.....	Winnipeg Street, Regina, Sask.	Sask. 3-901, 4-185, CV-940, 62-285, 62-378	Vehicles moved over crossing when bell ringing and train approaching.
July 25.....	8.00 K.....	Winnipeg Street, Regina, Sask.	Sask. 6-017, E-150, 21-829, T-92	Vehicles moved over crossing when bell ringing and train approaching.
July 13.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. T-1595...	Vehicle moved over crossing when bell ringing and train approaching.
July 20.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. 762, 2-110.	Vehicle moved over crossing when bell ringing and train approaching.
July 29.....	7.55 K.....	Winnipeg Street, Regina, Sask.	Sask. 61-287, 62-726, 64-930	Vehicles moved over crossing when bell ringing and train approaching.
July 23.....	8.00 K.....	Winnipeg Street, Regina, Sask.	Sask. CV-209, T-912, 101	Vehicles moved over crossing when bell ringing and grain approaching.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Continued

Saskatoon Division

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
April 14.....	15.00 K.....	Broadway, Yorkton, Sask.	Sask. 54-219....	Disregarded stop signal and crossed tracks just ahead of engine 685.
April 16.....	15.45 K.....	Broadway, Yorkton, Sask.	Sask. 30-545....	Regardless of stop signal crossed tracks just ahead of engine. Very close.
April 19.....	15.00 K.....	Broadway, Yorkton, Sask.	Sask. 70-261....	Regardless of stop signal crossed tracks ahead of engine. Very close.
April 24.....	15.25 K.....	Broadway, Yorkton, Sask.	Sask. 28-134....	Disregarded stop signal and crossed in front of engine. Very close.
April 25.....	15.45 K.....	Broadway, Yorkton, Sask.	Sask. 30-300....	Crossed just ahead of engine regardless of stop signal.
June 10.....	15.55 K.....	Broadway, Yorkton, Sask.	Sask. 27-721....	Signal displayed for stop but crossed over in front of engine. Very close.
June 16.....	16.20 K.....	Broadway, Yorkton, Sask.	Sask. 29-696....	Regardless of stop signal crossed in front of engine. Close.
June 17.....	15.17 K.....	Broadway, Yorkton, Sask.	Sask. 28-521....	Disregarded stop signal which was displayed and crossed over in front of engine.
June 20.....	15.00 K.....	Broadway, Yorkton, Sask.	Sask. 20-077....	Regardless of stop signal, crossed over just in front of cars being pushed over crossing by engine.
June 25.....	19.45 K.....	Broadway, Yorkton, Sask.	Sask. 28-273....	Passed over in front of engine regardless of stop signal displayed.
June 20.....	15.30 K.....	Broadway, Yorkton, Sask.	Sask. 28-411....	Crossed over in front of engine against stop signal displayed.
April 19.....	12.05 K.....	Avenue A, Saskatoon, Sask.	Sask. 10-604....	Drove on to crossing when signalman had stop signal up for yard engine to cross.
April 23.....	14.43 K.....	College Crossing, Moose Jaw, Sask.	Sask. T-1545....	Truck drove across in front of incoming train while wigwag signal working.
July 7.....	16.25 K.....	Broadway, Yorkton, Sask.	Sask. 41-101....	Disregarded stop signal and crossed tracks just ahead of engine.
July 15.....	15.00 K.....	Broadway, Yorkton, Sask.	Sask. 29-426....	Regardless of stop signal, crossed tracks just ahead of engine. Very close.
July 16.....	15.05 K.....	Broadway, Yorkton, Sask.	Sask. 28-598....	Crossed over in front of engine regardless of stop signal.
July 16.....	15.10 K.....	Broadway, Yorkton, Sask.	Sask. A-279....	Disregarded stop signal and passed over in front of engine pushing cars. Very close.
July 17.....	19.38 K.....	Broadway, Yorkton, Sask.	Sask. 28-861....	Regardless of stop signal crossed over in front of engine pushing cars. Very close.
July 18.....	15.10 K.....	Broadway, Yorkton, Sask.	Sask. 28-616....	Disregarded stop signal and crossed tracks just ahead of engine. Very close.
July 19.....	16.15 K.....	Broadway, Yorkton, Sask.	Sask. 27-892....	Signal displayed for stop but car passed in front of engine.
July 21.....	17.20 K.....	Broadway, Yorkton, Sask.	Sask. 72-860....	Regardless of stop signal passed over in front of engine pushing cars. Very close.
July 21.....	17.55 K.....	Broadway, Yorkton, Sask.	Sask. 28-718....	Regardless of stop signal passed over in front of engine pushing cars. Very close.
July 26.....	15.30 K.....	Broadway, Yorkton, Sask.	Sask. 28-316....	Stop signal displayed but regardless passed over in front of engine.
Aug. 1.....	20.20 K.....	Broadway, Yorkton, Sask.	Sask. 3751.....	Crossed very close in front of engine although stop signal displayed.
Aug. 3.....	20.30 K.....	Broadway, Yorkton, Sask.	Sask. 25-560....	Although stop signal displayed, crossed over in front of engine. Very close.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Concluded

Saskatoon Division—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
Aug. 10.....	18.15 K.....	Broadway, Yorkton, Sask.	Sask. 27-793....	Regardless of stop signal crossed over in front of engine.
Aug. 11.....	17.20 K.....	Broadway, Yorkton, Sask.	Sask. A-119.....	Disregarded stop signal and crossed over in front of engine.
Aug. 10.....	18.30 K.....	Broadway, Yorkton, Sask.	Sask. 29-560....	Regardless of stop signal passed over in front of engine. Very close.
Aug. 13.....	20.20 K.....	Broadway, Yorkton, Sask.	Sask. T-2066....	Crossed very close in front of engine, although stop signal displayed.
Aug. 24.....	17.00 K.....	Broadway, Yorkton, Sask.	Sask. 28-245....	Disregarded stop signal and crossed over in front of engine.
Sept. 3.....	18.15 K.....	Broadway, Yorkton, Sask.	Sask. 40-499....	Crossed over in front of engine regardless of stop signal.
Sept. 4.....	19.15 K.....	Broadway, Yorkton, Sask.	Sask. 2-888.....	Disregarded stop signal and crossed over in front of engine.
Sept. 5.....	15.45 K.....	Broadway, Yorkton, Sask.	Sask. 28-005....	Regardless of stop signal crossed over in front of engine.
Sept. 7.....	15.45 K.....	Broadway, Yorkton, Sask.	Sask. A-119.....	Crossed over in front of engine regardless of stop signal.
Sept. 10.....	18.15 K.....	Broadway, Yorkton, Sask.	Sask. 27-929....	Regardless of stop signal crossed over in front of engine.
Sept. 10.....	19.30 K.....	Broadway, Yorkton, Sask.	Sask. 27-878....	Car failed to heed displayed stop signal so engineer had to stop engine and then car stopped.
Sept. 17.....	15.55 K.....	Boradway, Yorkton, Sask.	Sask. 27-835....	Disregarded stop signal and crossed over in front of engine.
Sept. 20.....	18.20 K.....	Broadway, Yorkton, Sask.	Sask. 28-721....	Passed over tracks in front of engine although stop signal displayed.
Sept. 20.....	20.10 K.....	Broadway, Yorkton, Sask.	Sask. DR-43...	Regardless of stop signal passed over in front of engine.
Sept. 26.....	16.57 K.....	Broadway, Yorkton, Sask.	Sask. 28-733....	Passed over in front of engine although stop signal displayed.
Sept. 29.....	17.45K.....	Broadway, Yorkton, Sask.	Sask. 69-769....	Passed over very close in front of engine, although stop signal displayed.
Sept. 29.....	18.40 K.....	Broadway, Yorkton, Sask.	Sask. 27-806....	Disregarded stop signal and passed in front of engine. Very close.
Sept. 30.....	15.45 K.....	Broadway, Yorkton, Sask.	Sask. 28-930....	Regardless of stop signal crossed in front of engine. Very close.
Sept. 30.....	17.15 K.....	Broadway, Yorkton, Sask.	Sask. 28-253....	Crossed over in front of pushed cars, although stop signal displayed.

Moose Jaw Division

Aug. 7.....	5.50 K.....	Morse, Moose Jaw, Sask.	Auto approached at high speed and stopped about one foot from track. Engineer on train made emergency stop to avoid collision and skidded wheels on several cars.
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ALBERTA DISTRICT

July 11.....	18.35 K.....	4th Street West, Calgary, Alta.	Alta. 72-195....	When gates down auto ran into west centre gate, breaking one main support.
Aug. 10.....	15.15 K.....	4th Street West, Calgary, Alta.	Alta. C-7-336....	Truck drove too close to gate in upraised position, damaging gate, which had to be replaced.
Aug. 21.....	18.00 K.....	4th Street West, Calgary, Alta.	.....	Auto ran into gates in lowered position, breaking main supports and extension.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—*Concluded*

BRITISH COLUMBIA DISTRICT

Date	Time	Crossing	Licence No. of Auto	Dangerous Practices
June 23.....	10.30 K.....	North Vancouver Ferry Crossing, Vancouver, B.C.	.....	Pedestrian attempted to run under crossing gate as it was coming down and was struck on head.

STATEMENT OF MISHAPS AT PUBLIC AND PRIVATE CROSSINGS WHERE NO
PERSONAL INJURY INVOLVED. FROM JANUARY 1 TO JUNE 30, 1938

MANITOBA DISTRICT

Division	Date	Location	Particulars
PORTAGE DIVISION...	Feb. 2...	Aberdeen Avenue, Crossing M.P.O. 84, Winnipeg Beach Subdivision.	When Extra North passing this point at about eight miles per hour, Ford Coach, Manitoba Licence No. 27-850, ran into side of front buffer beam of engine.
PORTAGE DIVISION...	June 3...	Broadway Street, Crystal City, M.P. 17-08, Napinka Subdivision.	When train east pulling into Crystal City Station at a speed of about eight miles per hour, struck a Crystal Royal Automobile, Manitoba Licence No. 52-230.
KENORA DIVISION....	Jan. 28...	Mileage 93-3, Keewatin Sub- division.	Train travelling at a speed of about 60 miles per hour, struck a team of horses, killing the horses and damaging the sleigh. Driver failed to notice train until horses were foul of westbound track. He stopped and tried to get them off the track but was not success- ful.
KENORA DIVISION....	Feb. 10...	Great Lakes Paper Co.'s Spur, M.P. 75, Kam. Subdivision.	When train travelling at a speed of about 60 miles per hour struck sleigh loaded with three cords of pulpwood, com- pletely demolishing the sleigh. Sleigh was stalled on crossing.
WINNIPEG TERMINALS	Mar. 14...	Western Canada Flour Mills Siding, St. Boniface, Man.	When engine was shoving in on track S. 31, with 15 empty cars and one load to spot this track, Foreman noticed a small truck coming off the incline, which stopped before crossing tracks. Engineer was given a signal to back up, and just as drag started to move, the driver of truck also started and ran into car. Foreman was on crossing flagging and Yardman was on point of car, both men shouted to driver of truck but he claims he did not hear them.

ALBERTA DISTRICT

EDMONTON DIVISION.	Feb. 12...	Leduc Subdivision.....	Chevrolet 1936 model sedan, Alberta Licence 58-113, skidded in front of engine at this crossing when train travelling between 45 and 50 miles per hour. Driver apparently failed to be on lookout for trains and did not have car under proper control.
MEDICINE HAT DIVISION.	May 23...	Reinier M. 18-4, Cassils Sub- division.	Extra South struck road leveller at crossing.
LETHBRIDGE DIVISION	Mar. 30...	Lethbridge Brewery spur, 1st Ave., Lethbridge, Alta.	When signals misunderstood Yard Engine backed into auto, Alberta Licence No. CV-347.
EDMONTON DIVISION.	Mar. 21...	M. 64-2, Lacombe Subdivi- sion.	Chevrolet 1929 sedan, Alberta Licence H-50912, ran into side of coach when train travelling between 20 and 25 miles per hour. Driver of automobile failed to stop passing over crossing.

STATEMENT OF MISHAPS AT PUBLIC AND PRIVATE CROSSINGS WHERE NO
PERSONAL INJURY INVOLVED. FROM JANUARY 1 TO JUNE 30, 1938—*Concluded*

BRITISH COLUMBIA DISTRICT

Division	Date	Location	Particulars
REVELSTOKE DIVISION.	April 16...	Shuswap Subdivision.....	Pontiac Coupe, Licence No. BC-80-492, missed the crossing when driving from south to north, went foul of rail and stalled. Train struck auto carrying it 185 yards and badly damaging it.
VANCOUVER DIVISION	Jan. 18...	Rogers Street, Vancouver, B.C.	Auto Licence No. BC-46-985, stopped on lead track directly in front of cars being pushed by yard engine.
	June 21...	Shaughnessy St., Coquitlam, B.C.	Train struck gasoline truck which started over tracks immediately after train went by.
KOOTENAY DIVISION..	June 22...	Essedane Avenue, Abbotsford, B.C.	Auto, Licence No. BC-42-458, ran into side of cars being shoved over crossing.
	Jan. 11...	Rossland Avenue, Trail, B.C.	Auto, Licence No. BC-39441, came out of woodyard on Buckna's spur onto First Street and stopped in front of train which was backing into Trail at speed of eight or nine miles per hour.
	Jan. 14...	Wallinger Avenue, Kimberley, B.C.	Pontiac Sedan, Licence No. BC-36098, while travelling in a westerly direction tried to stop at Wallinger Avenue crossing but auto skidded and struck north end step of caboose of train.
	Mar. 17...	Rossland Avenue, Trail, B.C.	Ford Sedan, Licence No. BC-40816, was parked too close to track and step of engine struck fender of auto.
	May 2...	Wallinger Avenue, Kimberley, B.C.	Plymouth Sedan, Licence No. BC-37289, ran into side of caboose about three-quarters way along caboose. Train travelling about seven miles per hour.

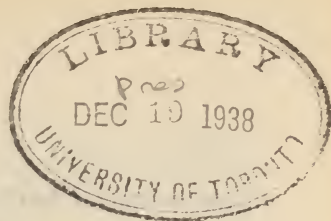
THE ESSEX TERMINAL RAILWAY COMPANY

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
June 6.....	3.45 p.m...	Drouillard Road, East Windsor, Ont.	.....	Motorist paid no attention to signal or flagman and proceeded to cross. Auto was struck by freight cars.

SUMMARY OF DANGEROUS PRACTICES

	Number	Per cent
Drove through and damaged lowered gates.....	31	8.9
Approached crossing at excessive rate of speed.....	7	2.0
Drove under gates being lowered.....	42	12.1
Attempted to drive over crossing ahead of train.....	2	0.6
Failed to stop for red lamp or red flag signal.....	33	9.5
Ignored crossing signal.....	10	2.8
Ignored Flagman's signal.....	9	2.6
Ran by stop sign.....	8	2.3
Crossed in front of approaching train.....	140	40.7
Stopped on crossing.....	6	1.7
Drove into gates.....	3	0.9
Failed to make sure crossing clear.....	4	1.1
Backed on to crossing.....	1	0.3
Ran into side of train or engine.....	16	4.6
Struck by train.....	23	6.6
Failed to wait until gate raised.....	1	0.3
Ran into wigwag and bell.....	1	0.3
Failed to observe gate down.....	1	0.3
Stalled on crossing.....	1	0.3
Horse drawn vehicle ran into gates.....	1	0.3
Horse drawn vehicle ran under gates being lowered.....	1	0.3
Horse drawn vehicle crossed in front of approaching train.....	2	0.6
Pedestrian ran under gates.....	1	0.3
Horse drawn vehicles struck by train.....	2	0.6
Total.....	346	100.0

1870	Jan 1	100.00
1871	Feb 1	100.00
1872	Mar 1	100.00
1873	Apr 1	100.00
1874	May 1	100.00
1875	Jun 1	100.00
1876	Jul 1	100.00
1877	Aug 1	100.00
1878	Sep 1	100.00
1879	Oct 1	100.00
1880	Nov 1	100.00
1881	Dec 1	100.00
1882	Jan 1	100.00
1883	Feb 1	100.00
1884	Mar 1	100.00
1885	Apr 1	100.00
1886	May 1	100.00
1887	Jun 1	100.00
1888	Jul 1	100.00
1889	Aug 1	100.00
1890	Sep 1	100.00
1891	Oct 1	100.00
1892	Nov 1	100.00



The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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December 15, 1938

No. 20

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the King's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the King's Printer, Ottawa.

ORDER No. 56707

*In the matter of tariffs and supplements to tariffs filed under the provisions of
the Maritime Freight Rates Act.*

File No. 34822.2

FRIDAY, the 18th day of November, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 632-B to Baker Brook, N.B., in Supplement No. 13 to Tariff C.T.C. No. E-2762, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Temiscouata Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 632-B to Baker Brook, N.B., in Supplement No. 13 to Tariff C.T.C. No. E-2762, approved herein, is—

	Cents per 100 pounds	
Billed		Normal
6½		8

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56708

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 18th day of November, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. E-4858, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. E-4858, approved herein, are as follows:—

From	Cents per 100 pounds
Bonny River, N.B...	4½
Lepreaux, N.B...	3
New River, N.B...	3
Pennfield, N.B...	4
Pocologan, N.B...	4

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56732

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 21st day of November, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 12 to Tariff C.T.C. No. E-2311

Supplement No. 2 to Tariff C.T.C. No. E-2823

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56738

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," under Section 276 of the Railway Act, for authority to open for the carriage of traffic that portion of their railway just west of Val d'Or (mileage 37.5) to Noranda (mileage 100.61).

File No. 40248.24

THURSDAY, the 24th day of November, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Chief Engineer of the Board, and the filing of the necessary affidavit—

It is ordered: That the Applicants be, and they are hereby, authorized to open for the carriage of traffic that portion of their line of railway just west of Val d'Or (mileage 37.5) to Noranda (mileage 100.6), in the Province of Quebec.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 56775

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 29th day of November, A.D. 1938.

W. H. M. WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 16 to Tariff C.T.C. No. E-1231.

Supplement No. 26 to Tariff C.T.C. No. E-1256.

Supplement No. 55 to Tariff C.T.C. No. E-1911.

Supplement No. 49 to Tariff C.T.C. No. E-2248.

Supplement No. 40 to Tariff C.T.C. No. E-2444.

Tariff C.T.C. No. E-2865.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 56776

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

TUESDAY, the 29th day of November, A.D. 1938.

W. H. M. WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the toll published in Tariff C.T.C. No. 775, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and

it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 775, approved herein, is 5 cents per 100 pounds.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 56786

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 2nd day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 386 of Supplement No. 34 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 386 of Supplement No. 34 to Tariff C.T.C. No. 1006, approved herein, is 44 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56787

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 2nd day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1087, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1087, approved herein, are as follows:—

Item	Cents per 100 pounds
1.	24
2.	23

One and one-half cents per 100 pounds to be deducted account of water haul.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56793

*In the matter of tariffs and supplements to tariffs filed under the provisions of the
Maritime Freight Rates Act.*

File No. 34822.12

Friday, the 2nd day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in items 2565B, 2995A, 3110E, 3925B, and 3927 of Supplement No. 21 to Tariff C.T.C. No. E-4840, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the proportions of joint rates to be reported for the Temiscouata Railway Company in item 3110E, to Baker Brook, N.B., at 6½ cents—the Canadian Pacific Railway Company the balance.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 2565B, 2995A, 3110E, 3925B, and 3927 of Supplement No. 21 to Tariff C.T.C. No. E-4840, approved herein, are as follows, namely:—

Item	Cents per 100 pounds
2565B	2½
2995A	6
Minimum Weights	
3110E	24,000 33,000
To Baker Brook, N.B.	38½
Edmundston, N.B.	30½
Fredericton, N.B.	14½
Grand Falls, N.B.	29
Perth Jct., N.B.	27½
Woodstock, N.B.	25

The Temiscouata Railway Company's proportion, 8 cents per 100 pounds; the Canadian Pacific Railway Company, the balance.

Item	Cents per 100 pounds
3925B	Minimum Weights
To Edmundston, N.B.	24,000 30,000 40,000
Fredericton, N.B.	29½
Grand Falls, N.B.	14½
Perth Jct., N.B.	29
Woodstock, N.B.	22½
	20

Item	Cents per 100 pounds
3927	Minimum Weights
To Hamilton, Ont.	31
Kingston, Ont.	30½
London, Ont.	31
Montreal, Que.	25
Ottawa, Ont.	31
Quebec, Que.	27
Toronto, Ont.	31
Trois Rivières, Que.	26
Windsor, Ont.	34

F. NAP. GARCEAU,
Deputy Chief Commissioner.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 56621. Nov. 1—Approving clearances of proposed covered platform to be located on track-
age serving the Quaker Oats Company at Peterboro, Ont. (C.P.R.)
- 56622. Nov. 2—Declaring the C.P.R. crossing at mileage 18·79 Ste. Agathe Subdv., pro-
tected to Board's satisfaction.
- 56623. Nov. 1—Declaring the C.P.R. crossing at mileage 86·9 Sherbrooke Subdv., protected
to Board's satisfaction.
- 56624. Nov. 1—Approving under Maritime Freight Rates Act, tolls published in tariffs
filed by the C.N.R. under Sec. 3.
- 56625. Nov. 1—Approving under Maritime Freight Rates Act, tolls published in supplement
to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56626. Nov. 3—Declaring the C.P.R. crossing at mileage 29·45 Aldersyde Subdv., protected
to Board's satisfaction.
- 56627. Nov. 3—Declaring the C.N.R. crossing, first public crossing north of St. Philomene
Station, Que., protected to Board's satisfaction.
- 56628. Nov. 3—Declaring the C.N.R. crossing at mileage 12·37 Exeter Subdv., protected
to Board's satisfaction.
- 56629. Nov. 3—Approving supplement to exchange and toll line agreement between the
Bell Telephone Co. and the Dunnville Consolidated Telephone Co.
- 56630. Nov. 3—Declaring the C.N.R. crossing at mileage 5·75 Wiarton Subdv., protected
to Board's satisfaction.
- 56631. Nov. 5—Authorizing the C.N.R. to construct relocated siding serving the National
Distilleries Ltd., Lachine, Que.
- 56632. Nov. 4—Approving under Maritime Freight Rates Act, tolls published in tariffs and
56633 supplements thereto, filed by the C.P.R. under Sec. 9.
- 56634
- 56635. Nov. 5—Authorizing the C.N.R. to reconstruct bridge carrying Carey Road over
their Cowichan Subdv., at Saanich, B.C.
- 56636. Nov. 5—Approving supplement to service station contract between the Bell Telephone
Co. and the Mutual Telephone Co.
- 56637. Nov. 5—Approving Traffic Agreement between the Bell Telephone Co. and the
Chapeau Rural Telephone Co., Ltd.
- 56638. Nov. 5—Approving Traffic Agreement between the Bell Telephone Co. and the Kerr
Line Telephone Co., Ltd.
- 56639. Nov. 5—Approving Traffic Agreement between the Bell Telephone Co. and the
Beardmore Telephone Co., Ltd.
- 56640. Nov. 5—Declaring the C.N.R. crossing at mileage 135·49 Unity Subdv., protected
to Board's satisfaction.
- 56641. Nov. 5—Declaring the C.N.R. crossing of Convent St., Drummondville Yard, Que.,
protected to Board's satisfaction.
- 56642. Nov. 7—Extending the time within which bell and wigwag may be installed as
required by Order No. 56375 dated Sept. 1, 1938.
- 56643. Nov. 3—Approving under Maritime Freight Rates Act, tolls published in tariff
filed by the Temiscouata Railway Co. under Sec. 9.
- 56644. Nov. 8—Extending time within which bell and wigwag may be installed as required
by Order No. 56354 dated Aug. 27, 1938.
- 56645. Nov. 8—Declaring the British Columbia Electric Railway crossing of 11th Avenue,
Vancouver, B.C., protected to Board's satisfaction.
- 56646. Nov. 8—Declaring the C.N.R. crossing east of St. Eleuthere Station, Que., protected
to Board's satisfaction.
- 56647. Nov. 8—Declaring the C.P.R. crossing at mileage 47·50 Shore Line Subdv., protected
to Board's satisfaction.
- 56648. Nov. 7—Approving proposed location of unloading point, etc., for commercial
propane gas for Bottled Gas Limited, on the C.P.R. at False Creek,
Vancouver, B.C.
- 56649. Nov. 8—Approving under Maritime Freight Rates Act, tolls published in tariffs
filed by the C.N.R. under Sec. 3.
- 56650. Nov. 8—Extending time within which bell and wigwag may be installed as provided
by Order No. 56387 dated Sept. 6, 1938.
- 56651. Sept. 12—Authorizing the Council of the County of Temiskamingue, Que., to con-
struct level crossing over C.P.R. at mileage 108·03 Temiskamingue Subdv.
- 56652. Nov. 8—Declaring the C.N.R. crossing of Water Ave., Winnipeg, Man., protected
to Board's satisfaction.
- 56653. Nov. 8—Requiring the C.P.R. to install double bells and wigwags at crossing at
mileage 30·83 Parry Sound Subdivision.
- 56654. Nov. 8—Extending time within which bell and wigwag may be installed as required
by Order No. 56353 dated August 27, 1938.
- 56655. Nov. 8—Extending time within which bell and wigwag may be installed as required
by Order No. 56355 dated August 27, 1938.

- 56656. Nov. 10—Approving proposed location of storage tanks, etc., of Shell Oil Co. of B.C. Ltd., on the Esquimalt & Nanaimo Railway at Port Alberni, B.C.
- 56657. Nov. 10—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., on the C.N.R. at Edson, Alta.
- 56658. Nov. 10—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., at Wadena, Sask. (C.N.R.)
- 56659. Nov. 10—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., at Wainwright, Alta. (C.N.R.)
- 56660. Nov. 10—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., at Canora, Sask. (C.N.R.)
- 56661. Nov. 10—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., at North Battleford, Sask. (C.N.R.)
- 56662. Nov. 10—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., at Kamsack, Sask. (C.N.R.)
- 56663. Nov. 10—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., at Vermilion, Alta. (C.N.R.)
- 56664. Nov. 10—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., at Dinsmore, Sask. (C.N.R.)
- 56665. Nov. 10—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., at Camrose, Alta. (C.N.R.)
- 56666. Nov. 9—Approving supplement to exchange and toll line agreement between Bell Telephone Co., and the Glasgow Telephone System.
- 56667. Nov. 9—Approving traffic agreement between the Bell Telephone Co. and the Noisy River Telephone Co., Ltd.
- 56668. Nov. 9—Approving traffic agreement between the Bell Telephone Co. and the Dept. of Lands and Forests, Ontario.
- 56669. Nov. 10—Approving proposed location of storage tanks, etc., of the British American Oil Co., Ltd., on the C.N.R., at Kindersley, Sask.
- 56670. Nov. 8—Approving traffic agreement between the Bell Telephone Co. and the Mount Albert Telephone Co., Ltd.
- 56671. Nov. 15—Authorizing the C.N.R. to file a new revised page 61 to their Tariff C.T.C. No. E2115.
- 56672. Nov. 14—Declaring the C.N.R. crossing at mileage 15·05 Middleton Subdv., protected to Board's satisfaction.
- 56673. Nov. 14—Declaring the C.P.R. crossing at mileage 45·2 MacTier Subdv., protected to Board's satisfaction.
- 56674. Nov. 14—Approving proposed location of unloading rack, etc., of the British American Oil Co., Ltd., on the C.P.R. at Aneroid, Sask.
- 56675. Nov. 14—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., on the C.N.R. at St. Paul, Alta.
- 56676. Nov. 14—Approving proposed location of pipe lines, etc., of British American Oil Co., Ltd., on the C.N.R. at Nokomis, Sask.
- 56677. Nov. 14—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., on the C.N.R. at Athabasca, Alta.
- 56678. Nov. 14—Declaring the Esquimalt & Nanaimo Railway crossing at mileage 72·82 Victoria Subdv., protected to Board's satisfaction.
- 56679. Nov. 14—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the Fredericton & Grand Lake Coal & Railway Co. under Sec. 9.
- 56680. Nov. 14—Approving traffic agreement between the Bell Telephone Co. and the Apsley Telephone Co., Ltd.
- 56681. Nov. 14—Declaring the Niagara, St. Catharines & Toronto Railway Co. crossing at mileage 11·06 Main Line protected to Board's satisfaction.
- 56682. Nov. 14—Approving proposed location of unloading rack, etc., of the British American Oil Co., Ltd., at Drumheller, Alta. (C.N.R.)
- 56683. Nov. 14—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., at Waskateneau, Alta. (C.N.R.)
- 56684. Nov. 14—Approving proposed location of unloading rack, etc., of Tomlinson Construction Co., on the C.N.R. at Jellicoe, Ont.
- 56685. Nov. 14—Approving N.S. & T. Rly. Co. Standard Passenger Tariff C.T.C. No. 363.
- 56686. Nov. 14—Authorizing the Dept. of Highways & Transportation for Saskatchewan to construct a highway crossing over the C.N.R. in the NE $\frac{1}{4}$, 23, 40, 21, W2M, Sask., etc.
- 56687. Nov. 14—Approving Traffic Agreement between the Bell Telephone Co. and the Oakwood Telephone Co., Ltd.
- 56688. Nov. 16—Authorizing the Dept. of Highways for the Province of Ontario to construct highway crossing over C.N.R. just east of Sarnia, Ont.

56689. Nov. 15—Authorizing the C.N.R. to operate their trains over the reconstructed interlocking plant at crossing of their Aston and Drummondville Subdivisions at Aston Junction, Que.
56690. Nov. 16—Extending time within which bell and wigwag may be installed as required by Order No. 56406, and approving revised location.
56691. Nov. 14—Authorizing the C.N.R. to construct switching track across Bay Ave., Kelowna, B.C. to serve Modern Foods Ltd.
56692. Nov. 16—Approving proposed location of unloading rack, etc., of Shell Oil Co., Ltd., at Montreal East, Que. (C.N.R.)
56693. Nov. 15—Approving location of unloading rack, etc., of British American Oil Co., Ltd., on C.P.R. at Red Deer, Alta.
56694. Nov. 15—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., on C.N.R. at Yorkton, Sask.
56695. Nov. 16—Approving proposed locations of unloading racks, etc., of British American
56696. Nov. 15 Oil Co., Ltd., on the C.P.R. at Carlyle, Sask., and on the C.N.R. at Youngstown, Alta.
56697. Nov. 15—Approving proposed location of pipe lines, etc., of North Star Oil Ltd., on the C.P.R. at Melfort, Sask.
56698. Nov. 16—Approving proposed location of pipe lines, unloading racks, tanks, etc.,
56699. Nov. 15 of British American Oil Co., Ltd., on the C.P.R. at Stettler, Alta., on the
56700. Nov. 15 C.P.R. at Swift Current, Sask., on the C.P.R. at Assiniboia, Sask., and on
56701. Nov. 15 the C.N.R. at Swan River, Man.
56702. Nov. 15—Declaring the C.N.R. crossing at mileage 5·58 LaTouque Subd'n protected to Board's satisfaction.
56703. Nov. 17—Extending time within which four double-end snowploughs of the C.N.R. may be equipped with cupolas.
56704. Nov. 18—Declaring the C.P.R. crossing at mileage 33·4 Shaunavon Subdivision, protected to Board's satisfaction.
56705. Nov. 18—Declaring the C.N.R. crossing at mileage 18·29 Grand'Mere Subdivision, protected to Board's satisfaction.
56706. Nov. 18—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., adjacent to C.P.R. at Cardston, Alta.
56707. Nov. 18—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the C.N.R. under Sec. 3.
56708. Nov. 18—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the C.P.R. under Sec. 9.
56709. Nov. 18—Approving proposed changes to existing interlocking plant at crossing of the Temiskaming & Northern Railway by the C.N.R. Alderdale Subdivision at North Bay, Ont.
56710. Nov. 18—Authorizing the C.N.R. to use Bank Street Yard, Ottawa, Ont., as a terminal for certain mixed trains subject to certain conditions.
56711. Nov. 18—Authorizing the C.N.R. to remove the station agent at Tide Head, N.B.
56712. Nov. 18—Approving By-law No. 128 of the town of Dorion, Que., prohibiting the sounding of engine whistles.
56713. Nov. 19—Authorizing the C.P.R. to construct a highway crossing over its tracks at mileage 107·15 Laurentian Subdivision.
56714. Nov. 21—Declaring the C.N.R. crossing at mileage 8·76 Oakville Subdivision, protected to Board's satisfaction.
56715. Nov. 21—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., on the C.N.R. at Plato, Sask.
56716. Nov. 21—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., on the C.N.R. at Prince Albert, Sask.
- 56717 to 56725. Approving proposed locations of storage tanks, etc., of British American Oil
- incl. dated Co., Ltd., on the C.P.R. at Lacombe, Alta., Southey, Sask., Brooks, Alta.,
- Nov. 21 Wetaskiwin, Alta., Coronation, Alta., on the C.N.R., at Unity, Alta., Shellbrook, Sask., Melfort, Sask., and Radville, Sask.
56726. Nov. 21—Approving traffic agreement, service station contract and supplement thereto between the Bell Telephone Co. and the North Renfrew Telephone Co., Ltd.
56727. Nov. 22—Approving revised appendix to traffic agreement between Bell Telephone Co. and Commissioners for Telephone System of the Municipality of Village of Blyth.
56728. Nov. 22—Approving revised Appendix to traffic agreement between Bell Telephone Co. and Commissioners for Telephone System of Municipality of Township of Bruce.
56729. Nov. 22—Approving revised appendix to traffic agreement between the Commissioners for the Telephone System of Municipality of Township of Mornington and Bell Telephone Co.
56730. Nov. 21—Declaring the C.N.R. crossing at mileage 128·67 Wabamun Subdivision, protected to Board's satisfaction.

56731. Nov. 22—Authorizing the Dept. of Public Works for Alberta to construct an overhead crossing of C.N.R. at mileage 8 Mountain Park Subdivision.
56732. Nov. 21—Approving under Maritime Freight Rates Act, tolls published in certain tariffs filed by the C.N.R. under Sec. 3.
56733. Nov. 21—Authorizing the C.N.R. to operate over the subway at Seventh Line Road, Oakville, Ont.
56734. Nov. 21—Authorizing the Municipal Corporation of the Parish of St. Dominique de Jonquiere, Que., to construct a highway crossing over the C.N.R. on the boundary line between Lots 1 and 2, Range 4, in the Township of Kenogami, Que.
56735. Nov. 21—Authorizing the Dept. of Public Works for Alberta to construct a diversion and overhead crossing of the C.N.R. Wabamun Subdivision, and construction of overhead crossing in lieu of existing crossing at rail level at mileage 17.7 Wabamun Subdivision.
56736. Nov. 22—Authorizing the C.P.R. to remove station building from Wolverton, Ont.
56737. Nov. 16—Refusing application of C.N.R. for approval of the abandonment of operation of their Port Rowan Branch, between Simcoe and Port Rowan, Ont.
56738. Nov. 24—Authorizing the C.N.R. to open for carriage of traffic that portion of their line of railway just west of Val d'Or to Noranda, Que.
56739. Nov. 24—Declaring the C.N.R. crossing at mileage 2.27 Camrose Subdivision, protected to Board's satisfaction.
56740. Nov. 24—Slightly amending Order No. 55608 dated February 18, 1938, to provide that share of Parish of St. Telephore is not to exceed the sum of \$405.
56741. Nov. 24—Authorizing the Dept. of Colonization for Province of Quebec to construct level highway crossing over tracks of C.N.R. at mileage 32.59 Rouyn Subdivision.
56742. Nov. 24—Extending time within which wigwag signals and bell may be installed as required by Orders Nos. 55567 and 55951.
56743. Nov. 24—Authorizing the C.P.R. to remove station agent at Hope, B.C. until traffic is resumed.
56744. Nov. 24—Declaring the C.N.R. crossing at mileage 4.40 Kashabowie Subdivision, protected to Board's satisfaction.
- 56745 to 56750. Nov. 24—Approving proposed location of storage tanks, etc., of the British American Oil Co., Ltd., adjacent to the C.P.R. at Kerrobert, Sask.; Elbow, Sask.; Macleod, Alta.; Whitewood, Sask.; Leader, Sask.; and Consul, Sask.
56751. Nov. 24—Declaring the C.P.R. crossing at mileage 5.5 Trois Rivières Subdv., protected to Board's satisfaction.
- 56752 to 56757. Nov. 24—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., adjacent to C.P.R., at Pincher, Alta.; Carman, Man.; Carnduff, Sask.; Wynyard, Sask.; Melita, Man.; and adjacent to C.N.R. at Lloydminster, Alta.
56758. Nov. 24—Approving proposed location of refinery of the British American Oil Co., Ltd., with relation to trackage of C.N.R. at Calgary, Alta.
56759. Nov. 24—Authorizing Dept. of Colonization for Quebec to construct a level crossing over C.N.R. at mileage 34.69 Rouyn Subdv.
56760. Nov. 24—Declaring the C.N.R. crossing, first west of St. Boniface Station, Man., protected to Board's satisfaction.
56761. Nov. 24—Authorizing the Northern Alberta Railways Co. to discontinue stopping of its trains, and to remove shelter, at mileage 174.9 of its railway.
56762. Nov. 26—Authorizing the C.P.R. to close interlocking plant at crossing of Kettle Valley and the C.N.R. at Hope, B.C.
56763. Nov. 24—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., adjacent to C.P.R. at Rosetown, Sask.
56764. Nov. 28—Authorizing the C.N.R. to construct siding across Waterloo Road, Guelph, Ont., to serve Standard Brands Limited, etc.
56765. Nov. 26—Authorizing the C.P.R. to construct branch line to serve La Societe Cooperative Agricole de la Riviere Rouge at L'Annonciation, Que.
56766. Nov. 26—Approving traffic agreement between the Bell Telephone Co. and the Leeds & Grenville Independent Telephone Co., Ltd.
56767. Nov. 26—Authorizing the Toronto, Hamilton & Buffalo Railway Co. to close its station at Diltz, Ont.
- 56768 to 56769. Nov. 26—Approving proposed location of unloading rack, storage tanks, etc., of British American Oil Co., Ltd., adjacent to the C.P.R. at Macklin, Sask., and Hardisty, Alta.
56770. Nov. 28—Approving proposed location of bulk storage plant of the McColl-Frontenac Oil Co., Ltd., adjacent to the C.P.R. at Teeswater, Ont.
56771. Nov. 28—Authorizing the Dept. of Public Works for New Brunswick to construct a public highway crossing over the C.P.R. at Ketepec, N.B.

- 56772. Nov. 29—Authorizing the C.N.R. to operate under highway bridge at Point Edward, Ont.
- 56773. Nov. 29—Declaring the C.N.R. crossing at mileage 31·83 Middleton Subdv., protected to Board's satisfaction.
- 56774. Nov. 30—Declaring the T.H. & B. Rly. crossing at mileage 15·04 Welland Subdv., protected to Board's satisfaction.
- 56775. Nov. 29—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56776. Nov. 29—Approving under Maritime Freight Rates Act, toll published in tariff filed by the Temiscouata Railway Co. under Sec. 9.
- 56777. Nov. 29—Declaring westbound traffic over the Ottawa Electric Railway crossing of Magee Avenue, Westboro, Ont., protected to Board's satisfaction.
- 56778. Nov. 29—Requiring the C.N.R. to install double bells and wigwags in lieu of watchman at crossing of Edinburgh Road, Guelph Junction, Ont.
- 56779. Nov. 30—Declaring the C.P.R. crossing at mileage 74·23 Oshawa Subdv. protected to Board's satisfaction.
- 56780. Dec. 2—Authorizing the Dept. of Highways for Province of Nova Scotia to construct a public highway crossing over the Dominion Atlantic Railway near Victoria Bridge, County of Annapolis, N.S.
- 56781. Dec. 1—Refusing application of certain residents of St. Leonard, Que., for an order requiring the C.N.R. to construct a siding near Bedard Road on the Batiscan Subdivision.
- 56782. Nov. 30—Authorizing the Dept. of Highways for Ontario to construct a public highway crossing over C.P.R. in Lot 1, Con. A, Township of Henvey, District Parry Sound, Ontario.

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The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 21

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ORDER No. 56808

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 7th day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 130A of Supplement No. 9 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 130A of Supplement No. 9 to Tariff C.T.C. No. 1063, approved herein, is 18½ cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56809

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

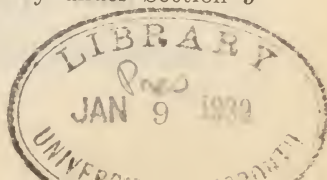
WEDNESDAY, the 7th day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 585 of Supplement No. 36 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9



of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 585 of Supplement No. 36 to Tariff C.T.C. No. 1006, approved herein, is 25 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56810

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.8.

WEDNESDAY, the 7th day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 66, filed by the Sydney & Louisburg Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 66, approved herein, is 6 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56817

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

SATURDAY, the 10th day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders that the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 72 to Tariff C.T.C. No. E-1244
Supplement No. 41 to Tariff C.T.C. No. E-2444
Supplement No. 14 to Tariff C.T.C. No. E-2762
Supplement No. 15 to Tariff C.T.C. No. E-2762
Supplement No. 2 to Tariff C.T.C. No. E-2769
Tariff C.T.C. No. E-2869

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 56835

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 13th day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 48 to Tariff C.T.C. No. E-1238

Supplement 16 to Tariff C.T.C. No. E-1248

Supplement 50 to Tariff C.T.C. No. E-2248

Supplement 13 to Tariff C.T.C. No. E-2311

F. NAP. GARCEAU,

Deputy Chief Commissioner.

GENERAL ORDER No. 579

In the matter of the application of United States carriers for permission to file supplements to international tariffs on less than statutory notice, providing for continuance of the current through rates on bituminous coal from points in the United States to destinations in Canada.

File No. 39422.

WEDNESDAY, the 14th day of December, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Interstate Commerce Commission, by its Order dated Washington, D.C., October 19, 1937, granted certain increases in freight rates, among which was bituminous coal, subject to expiry date December 31, 1938, and by General Order No. 566, dated November 1, 1937, the Board permitted the same increases on international traffic;

And whereas the Interstate Commerce Commission upon further hearing decided November 21, 1938, that the said rates on bituminous coal should be continued beyond December 31, 1938, without any expiry date, thereby continuing the present rates, and by its Order permits removal of the expiry date upon ten days' notice, and application is made similarly to amend international tariffs on less than statutory notice—

It is ordered: That carriers may file, on ten days' notice, supplements to international tariffs, applying on bituminous coal, providing for removal of the expiry date of December 31, 1938.

H. GUTHRIE,

Chief Commissioner.

GENERAL ORDER No. 580

In the matter of regulations governing the construction and filing of Air Transportation Tariffs with the Board.

File No. 42017

FRIDAY, the 16th day of December, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

W. H. M. WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

In pursuance of the powers expressly conferred under Part IV of the Transport Act, 1938, and of all other powers possessed by the Board in that behalf—

It is ordered: That the Regulations Governing the Construction and Filing of Air Transportation Tariffs, attached hereto, be, and they are hereby, approved for the use of all carriers licensed to transport by aircraft passengers and/or goods under the provisions of The Transport Act, 1938.

H. GUTHRIE,
Chief Commissioner.

REGULATIONS OF THE BOARD OF TRANSPORT COMMISSIONERS
FOR CANADA GOVERNING THE CONSTRUCTION AND
FILING OF AIR TRANSPORTATION TARIFFS

FOREWORD

Contrary to the possible understanding of some carriers, the Board will not prescribe initial (first) rates or charges for air transport carriers. The Transport Act, 1938, leaves such rates or charges to the discretion of the carriers. Thereafter, the Board may, upon complaint or upon its own initiative, require changes in rates or charges which it finds to be unlawful, or prescribe new rates or charges, but only after receiving the submissions of the interested parties or by formal hearing.

The Board deems it desirable at this time only a minimum of regulations governing the construction and filing of air transportation tariffs. These regulations may have to be changed or amplified later, but before that is done there will be opportunity to study the tariffs and schedules initially filed and know more about what is needed.

All initial tariffs or schedules filed will be deemed to comply with the law relative to filing, unless and until they are rejected by the Board with directions to file other tariffs or schedules in lieu thereof. In the event of such directions, the tariffs or schedules already filed shall be the effective tariffs or schedules until revised tariffs or schedules have been filed with the Board in accordance with its directions.

All tariffs filed with the Board must conform to the following regulations.

The term "Schedule" as used herein means a tariff or supplement.

(1) Tariffs and supplements must be of uniform size, namely, eight (8) inches wide by eleven (11) inches long. They must be plainly printed or mimeographed on paper of good quality. They must be consecutively numbered as provided in Rule 5, and separate serial (C.T.C.) numbers shall be used for freight and passenger tariffs.

No alteration in writing or erasure shall be made in any tariff or supplement thereto.

(2) One copy of each schedule (except as provided by Rule 14) shall be filed with the Board accompanied by a filing advice, in duplicate, consecutively numbered (see Appendix A). The original advice will be retained and the

duplicate stamped with date of receipt and returned. They shall be addressed to the Director, Traffic Department, Board of Transport Commissioners for Canada, Ottawa, Canada. If mailed in Canada, and the envelope is plainly marked "O.H.M.S.", no postage is required.

(3) Freight schedules other than standard tariffs (see Rule 14) shall be filed to be effective on thirty days' notice for advances in rates, and three days' notice for reductions in rates. Passenger schedules shall be filed to be effective on three days' notice. However, the Board may, upon application by the carrier, authorize departure from this rule under exceptional circumstances.

(4) The act of mailing is not construed as filing. Schedules must reach Ottawa in time to give at least the required notice.

Schedules which fail to give the required notice will be returned to the sender, marked "Rejected."

The C.T.C. number of the rejected schedule shall not again be used, and the substituted schedule shall show on the title page the following: "Issued in lieu of (reference here to the rejected schedule) rejected by the Board of Transport Commissioners for Canada."

Companies are authorized in cases of emergency only to notify the Board by telegraph of a proposed change in rates, provided,—

That the new schedule be publicly posted (Rule 17) for the full period required by Rule 3;

That the telegram to the Board plainly state the changes proposed to be made in the rates, and the effective date thereof;

That the new tariff be mailed to the Board not later than the date of the publication; and

That a copy of the telegram be attached to the tariff filed with the Board.

(5) In the order named, the title page of every tariff and supplement shall show,—

(a) On the upper right-hand corner each tariff shall be numbered beginning with No. 1. Such number shall be shown as follows,—

C.T.C. No. . . .

(b) When tariffs are issued cancelling a tariff or tariffs previously filed, the C.T.C. number or numbers of the tariff or tariffs cancelled must be shown in the upper right-hand corner immediately under the C.T.C. number of the new tariff. Example,—

C.T.C. No. 2

cancels

C.T.C. No. 1

(c) Supplements to a tariff, in addition to showing the C.T.C. number of the tariff amended thereby, shall be numbered beginning with the number "1," and such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement cancelled thereby and also the numbers of the supplements containing all changes from the tariff. Example,—

Supplement No. 3

to

C.T.C. No. 1

cancels

Supplement No. 2

Supplements Nos. 1 and 3 contain all changes

(d) Name of carrier issuing tariff (which must be the same as that appearing in the carrier's licence).

(e) Whether tariff is standard, special, or competitive.

- (f) A brief description of the traffic and the territory in which, or points from and to, or between which the tariff applies.
- (g) Reference to any classification governing the tariff.
- (h) Date of issue and date effective.
- (i) Name, title and address of the officer authorized to prepare and issue tariffs of tolls.

NOTE: See Appendix B for example of title page of a freight tariff conforming to this rule. Passenger tariffs to be similarly arranged.

- (6) Schedules shall contain,—
 - (a) Table of contents arranged in alphabetical order showing the number of the page on which each subject may be found. If a tariff contains so small a volume of matter that its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.
 - (b) All of the items relating to different kinds or species of the same commodity to be grouped together.
 - (c) Commodity descriptions must be stated clearly and explicitly so as to leave no doubt as to their proper application.
 - (d) Explanation of all abbreviations, symbols and reference marks used in the tariff, which shall, if possible, be shown at the foot of the page in which such abbreviations or marks appear. If not so shown, reference shall be given to the page in which the explanation is published.
 - (e) All rules and regulations which govern the tariff stated in clear and explicit terms so as to leave no doubt as to their proper application.
 - (f) The rates or fares explicitly stated, together with the names or designations of the places from and to which they apply, all arranged in simple and systematic manner. Complicated manner of arrangement or ambiguous terms must be avoided.
- (7) (a) A tariff or supplement having once been cancelled cannot be restored. If it is desired to reinstate rates previously abrogated, they must be covered by an entirely new schedule.
- (b) Cancellation of a tariff also cancels all supplements thereto in effect at the time.
- (c) A tariff may only be cancelled by a supplement to that tariff or by another tariff. Cancellation of one tariff by a supplement to another tariff will not be permitted.
- (d) When a tariff is cancelled, the cancellation notice will show where the rate or rates will be found or what rate or rates will thereafter apply.
- (8) A separate tariff may be filed containing rules and regulations. Such rules and regulations may be made part of the rate tariff by the following reference therein:

“Governed, except as otherwise provided, by rules and regulations published in C.T.C. No. . . . , supplements thereto or re-issues thereof.”

(9) Each carrier shall publish and file, in duplicate, under a C.T.C. number, an “Official Distance Table,” which shall contain the exact distances between all points where rates are provided. Tariffs which contain mileage rates shall give reference, by C.T.C. number, to the Official Distance Table.

(10) All tariffs and supplements shall indicate changes thereby made in existing rates or charges, rules, regulations or practices by the use of the following symbols, which shall be used for no other purposes,—

◆—to denote increases;

♣—to denote reductions;

▲—to denote changes, the result of which is neither an increase nor a reduction;

□—to denote re-issued matter with identifying number therein to comply with Rule 10.

Explanation of such symbols must be published in the tariff or supplement in which used. When a change of the same character is made in all, or substantially all, rates in a tariff or supplement, or a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of each page, in the following manner—"All rates on this page are (here state whether reductions or increases), except as otherwise indicated." In such case, a bold face dot "●" shall be used to symbolize a rate in which no change is made.

(11) The number of supplements at any time in effect with respect to any tariff shall not exceed three; thereafter a consolidating supplement bringing forward re-issued matter must be filed bearing the notation,—

"Effective except as otherwise provided herein."

Re-issued matter brought forward without change must show in a conspicuous form and convenient manner the following,—

"Re-issued (in black type): Effective (date on which item became effective) in Supplement No."

or where necessary, re-issued matter may be indicated by the symbol ☐ and explanatory notes (see example),—

1 Re-issued, effective April 27, 1938, in Supp. No. 1.

2 Re-issued, effective May 20, 1938, in Supp. No. 2.

(12) Tariffs or supplements issued pursuant to judgments or orders of the Board shall give reference to the number and date of the order or date of the judgment, as follows:

"Issued in compliance with order of the Board of Transport Commissioners for Canada, No., dated,," or,

"Issued pursuant to judgment of the Board of Transport Commissioners for Canada, dated,."

(13) The by-law or resolution required by Section 18 of the Transport Act, 1938, to be submitted to the Board for approval as a prerequisite to the charging of tolls shall be as follows:

"I (name of officer to be here inserted), of (name of company to be here inserted), do hereby certify that the following is a true copy of a (state whether by-law or resolution) adopted by the Board of Directors of the said (insert name of company) at a meeting held at the office of the company in (name of place) on (here insert date), at which a quorum was present and voted,—

"The (here insert the title, but not the name of the officer) of the company is hereby authorized by this (state whether by-law or resolution) to prepare and issue (insert whether freight, passenger, or freight and passenger) tariffs of the tolls to be charged in respect of the aircraft owned or operated by the company, and to submit the same to, and file the same with, the Board of Transport Commissioners for Canada, as required by the Transport Act, 1938.

"In witness whereof, I hereunto affix my hand and seal of the company, this day of, 19...."

(14) Standard tariffs of maximum tolls and every amendment and supplement thereto shall require the approval of the Board before becoming effective, and the effective date shall be that prescribed by the Board. These must be filed in duplicate.

(15) Under the provisions of Section 31 of the Transport Act, 1938, companies subject to the Act are authorized to issue special rate notices between points which are not competitive in the following cases, namely:—

- (a) To provide for the prompt shipment of any freight which may unexpectedly offer, and for which no suitable tariffs have been prepared, on condition that the filing and publication of such tariffs be immediately proceeded with, except where special rate notice has been issued to cover an individual consignment and the rate is not of a permanent character.
- (b) To provide for the disposition of shipments which may have been forwarded to the wrong destination, or which have been refused by the consignees, by returning them to the original points of shipment at less than the ordinary tariff rate, or by reforwarding at a reduced rate from the first to a second destination, in which case the published rate from the point of shipment to the first destination added to the reduced rate from the first destination to the second, shall not be less than the published rate for a through haul from the original shipping point to the second or final destination.

These special rate notices shall be numbered consecutively and mailed to the Director, Traffic Department, as soon as issued.

They shall also show the tariff rate, if any, that would have been charged in the absence of such notice, and shall exist merely for the purpose of giving effect to the rate to be charged for the specific shipment mentioned therein.

Special rate notices issued under section (a) of this rule shall show the C.T.C. number of the tariff or supplement in which the rate will be published, except when issued to cover an individual consignment.

NOTE: See Appendix "C" for example of special rate notice.

(16) When the name of a company is changed or when its operating control is transferred to another company, the company which will thereafter operate the properties shall file and post an Adoption Notice, numbered in its C.T.C. series, reading as follows:—

"The (here insert name of new corporation) hereby adopts, ratifies and makes its own, in every respect, as if the same had been originally filed and posted by it, all.....

 or other instruments whatsoever, including supplements or amendments thereto, filed with the Board of Transport Commissioners for Canada by the (corporate name of old company)."

(17) The carrier must post for public inspection at airports or at conveniently central points contiguous thereto all of the schedules applying from or to such air port. It shall also post for public inspection all schedules at its principal office and other important offices convenient to large centres of population. In every such office or airport the carrier shall post in a prominent place a notice directing attention to the place where the schedules are kept on file for public inspection during office hours and the agent or person in charge shall produce to any applicant, on request, any tariff in use at that place which he may desire to inspect.

(18) The foregoing regulations relate to tariffs covering freight or passengers handled only on and over the route or routes of the issuing carrier. In the event a carrier enters into an arrangement with another carrier or carriers for through rates over the routes of two or more carriers, the provisions of the Board's Circular No. 223 (General Order No. 479) dated June 28, 1929, with respect to joint tariffs, will be applicable.

APPENDIX "A"

.....
(Name of Carrier)

.....19....

(Place and Date)

Advice No.....

The Director, Traffic Department,
Board of Transport Commissioners for Canada,
Ottawa, Canada.

DEAR SIR.—In compliance with the requirements of the Transport Act, 1938,
I transmit herewith, for filing with the Commission, copies of tariffs as follows,—

Supplement
Number

Tariff
C.T.C. Number

Date
Taking Effect

.....
(Name)

.....
(Title)

APPENDIX "B"

C.T.C. No.....

.....
(Name of Carrier)

Special Freight Tariff
applying on

(Here state commodity or, if general, merely state "Commodities")
From Edmonton to points in Alberta and British Columbia.

or

Between points in Manitoba, Saskatchewan and Alberta.

Governed, except as otherwise provided, by (here name classification) issued
by (here state by whom issued) C.T.C. No....., supplements to or successive
issues thereof.

Issued Effective.....

Issued by.....
(Name)

.....
(Title)

.....
(Address)

APPENDIX "C"

C.T.C. No.....

.....
(Name of Carrier).....19....
(Place and Date)No.....
(Carrier's No.)

SPECIAL RATE NOTICE

The following special rate is authorized on.....

.....
account

From	To	Special Rate (In cents per 100 lbs. unless otherwise specified)	Present Rate
Reason for special rate			Tariff authority C.T.C. No.....

Effective Expires.....

Issued under Rule 14 of the Board of Transport Commissioners for Canada
General Order No. 580, dated Ottawa, Canada, December 16th, 1938.

Issued by.....

.....
(Title).....
(Title)

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS, OCTOBER, 1938

Railway accidents.. . . . 103 with 14 killed and 118 injured
Railway accidents at highway crossings.. . . 37 with 27 killed and 55 injured

	Killed	Injured
Passengers.. . . .	—	36
Employees.. . . .	6	67
Others.. . . .	35	70
	<u>41</u>	<u>173</u>

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents K. I.

NOVA SCOTIA

- 1 - 2 Auto Truck—Auto truck struck by rail motor car. Licence N.S. 33-205.
- 1 - 1 Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence N.S. C-10-243.

NEW BRUNSWICK

- 1 - 1 Automobile—Automobile ran into side of train. Licence, N.B. 23119.

QUEBEC

- 1 - 2 Automobile—Automobile struck track motor car. Licence, Que. 96841.
- 1 - 1 Auto Truck—Auto truck ran into side of train, disregarding Stop Sign and trainman's warning. Licence, Que. 162796.
- 1 - 3 Automobile—Auto driver failed to stop for crossing; ran into side of train. Licence, Que. 169556.
- 1 - 3 Automobile—Auto driver failed to stop for crossing, travelling at too high a rate of speed. Licence, Que. 101382.
- 1 5 - Automobile—Auto driver failed to stop for crossing; struck by train. Licence, 139-108.
- 1 5 4 Auto Truck—Auto driver failed to stop for crossing; struck by train. Licence, Que. 903.
- 1 - 1 Auto Truck—Auto truck failed to stop for crossing; ran into side of train. Licence, Que. F-17657.

ONTARIO

- 1 - 3 Automobile—Auto driver disregarded bell and wigwag signal; ran into side of train. Licence, Ont. 43-E-37.
- 1 - 2 Auto Truck—Auto truck driver disregarded bell and wigwag signal; drove onto crossing in front of approaching train and was struck. Licence, Ont. 7370-C.
- 1 1 - Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence, Ont. 899-T-3.
- 1 5 - Automobile—Automobile, excessive speed, ran into side of train. Licence, Ont. 7-X-604.
- 1 - 2 Automobile—Automobile ran into side of train. Licence, Ont. 485-S-1.
- 1 1 - Auto Truck—Auto truck drove onto crossing in front of engine, moving tender first and was struck. Licence, Ont. 52610-C.
- 1 - 1 Automobile—Automobile ran into side of train. Licence, Ont. 244-Y-3.
- 1 5 1 Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence, Ont. 27-H-43.
- 1 1 - Automobile—Automobile ran into side of train; disregarded bell and wigwag signal. Licence, Ont. 6-P-333.
- 1 1 - Pedestrian—Nineteen-month old child struck by train; failure of child to realize danger.
- 1 - 2 Automobile—Auto taxi ran into side of train; driver disregarded bell and wigwag signal. Licence, Ont. 90-M-53.
- 1 - 1 Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence, Ont. 93-P-27.
- 1 - 1 Automobile—Automobile ran into side of train. Licence, Ont. L-258.
- 1 1 1 Automobile—Automobile drove onto crossing in front of approaching street car and was struck. Licence, Ont. 152-U-5.

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS—*Concluded*

Accidents	K.	I.		MANITOBA
1	-	1	Motorcycle—Motorcycle ran into cars on crossing; excessive speed of motorcycle. Licence, Man. MC-381.	
1	-	2	Automobile—Automobile ran into side of standing train. Licence, Man. 72-215.	
SASKATCHEWAN				
1	-	4	Automobile—Automobile ran into side of train. Licence, Sask. 26-485.	
1	-	1	Auto Truck—Auto truck ran into side of train. (No licence.)	
1	-	1	Automobile—Automobile struck track motor car. Licence, Sask. 69633.	
ALBERTA				
1	1	-	Automobile—Automobile ran into side of train. Licence, Alta. 50587.	
1	-	5	Automobile—Automobile drove onto crossing in front of approaching train and was struck. Failure auto driver to heed or hear warning signals given by approaching train. Licence, Alta. 32-459.	
1	-	1	Auto Truck—Auto truck ran into side of train. Licence, Alta. C-8062.	
1	1	-	Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence, Alta. 52466.	
BRITISH COLUMBIA				
1	-	2	Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence, B.C. 1-965.	
1	-	3	Automobile—Automobile ran into side of train. (Licence not obtained.)	
1	-	2	Automobile—Automobile drove onto crossing in front of approaching train and was struck. Licence, B.C. 95926.	
1	-	1	Auto Truck—Auto truck drove onto crossing in front of approaching train and was struck. Licence, B.C. CE-927.	

Of the 37 accidents at highway crossings, 32 occurred at unprotected crossings and 5 at protected crossings. Seventeen of the accidents occurred after sunrise and 20 occurred after sunset.
December 12, 1938.

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The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXVIII

Ottawa, January 15, 1939

No. 22

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the King's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the King's Printer, Ottawa.

ORDER No. 56855

*In the matter of tariffs and supplements to tariffs filed under the provisions of
the Maritime Freight Rates Act.*

File No. 34822.12

SATURDAY, the 17th day of December, A.D. 1938.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

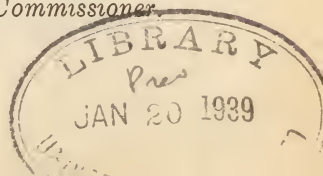
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 95 of Supplement No. 19 to Tariff C.T.C. No. E-4645, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 95 of Supplement No. 19 to Tariff C.T.C. No. E-4645, approved herein, are the mileage rates as published in items 13A to 15A of Supplement No. 26 to Tariff C.T.C. No. E-4221.

F. NAP. GARCEAU,
Deputy Chief Commissioner.



ORDER No. 56874

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

THURSDAY, the 22nd day of December, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 49 to Tariff C.T.C. No. E-1238.
 Supplement 12 to Tariff C.T.C. No. E-1242.
 Supplement 52 to Tariff C.T.C. No. E-1247.
 Supplement 14 to Tariff C.T.C. No. E-2311.
 Supplement 42 to Tariff C.T.C. No. E-2444.
 Supplement 26 to Tariff C.T.C. No. E-2526.
 Supplement 16 to Tariff C.T.C. No. E-2629.
 Supplement 2 to Tariff C.T.C. No. E-2803.
 Supplement 1 to Tariff C.T.C. No. E-2804.
 Tariff C.T.C. No. E-2877.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 56896

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 28th day of December, A.D. 1938.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 85 of Tariff C.T.C. No. E-2877, to Springhill, Nova Scotia, filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act, be, and it is hereby approved, subject to the provisions of subsection 3 of section 3 of the said Act; the Cumberland Railway and Coal Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Cumberland Railway and Coal Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 85 of Tariff C.T.C. No. E-2877, to Springhill, Nova Scotia, approved herein, is:—

	Cents per 100 pounds
Tariff	5
Normal	6

H. GUTHRIE,

Chief Commissioner.

ORDER No. 56897

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 28th day of December, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 542 of Supplement No. 37 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 542 of Supplement No. 37 to Tariff C.T.C. No. 1006, approved herein, is 49 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56898

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 28th day of December, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Supplement No. 1 to Tariff C.T.C. No. 1072, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 1 to Tariff C.T.C. No. 1072, approved herein, is 17½ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56900

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 28th day of December, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 50 of Tariff C.T.C. No. E-2877, to Baker Brook, New Brunswick, filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act; the Temiscouata Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 50 of Tariff C.T.C. No. E-2877, to Baker Brook, New Brunswick, approved herein, is—

Item	Cents per 100 pounds	
	Tariff	Normal
50	6½	8

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56881

In the matter of the application of the Pittsburgh and Lake Erie Railroad Company, hereinafter called the "Applicant Company," for permission to file, on less than statutory notice, a supplement to its Tariff C.T.C. No. 296 to correct an error.

File No. 27612.192

THURSDAY, the 29th day of December, A.D. 1938.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas through a clerical error the heading of third and fourth columns of Conversion Table 1, page 2, of Supplement 25 to the applicant company's Tariff C.T.C. No. 296 provides for rates in cents per ton of 2,000 pounds instead of per ton of 2,240 pounds, and the applicant company now desires to make correction on less than statutory notice,—

It is ordered: That the applicant company be, and it is hereby, granted leave to file on one day's notice a supplement to its Tariff C.T.C. No. 296 to correct said error.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56916

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 3rd day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement 17 to Tariff C.T.C. No. E-1671.

Supplement 46 to Tariff C.T.C. No. E-1689.

Supplement 47 to Tariff C.T.C. No. E-1906.

Supplement 56 to Tariff C.T.C. No. E-1911.

Supplement 17 to Tariff C.T.C. No. E-2629.

Supplement 3 to Tariff C.T.C. No. E-2769.

Supplement 1 to Tariff C.T.C. No. E-2877.

Tariff C.T.C. No. E-2891.

Tariff C.T.C. No. E-2893.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56899

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 4th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in Tariff C.T.C. No. E-2887, filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56930

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 5th day of January, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 110 L from St. Stephen, New Brunswick, to Cap de la Madeleine and Trois Rivières, Quebec, in Supplement No. 17 to Tariff C.T.C. No. E-4316, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said item 110 L from St. Stephen, New Brunswick, to Cap de la Madeleine and Trois Rivières, Quebec, in Supplement No. 17 to Tariff C.T.C. No. E-4316, approved herein, is 27 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS, NOVEMBER, 1938

Railway accidents.. . . .86 with 12 killed and 95 injured
Railway accidents at highway crossings.. . . .24 with — killed and 39 injured

	Killed	Injured
Passengers.. . . .	—	15
Employees.. . . .	2	70
Others.. . . .	10	49
	<hr/> 12	<hr/> 134

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents	K.	I.	NEW BRUNSWICK
1	—	1	Automobile—Automobile struck by track motor car. Licence not obtained.
QUEBEC			
1	—	2	Automobile—Automobile ran into side of train. Licence, Que. 116-441.
1	—	2	Auto bus—Auto bus failed to stop for crossing and was struck by train. Licence, Que. A-269.
1	—	1	Automobile—Following the passing of an eastbound train, automobile drove on to tracks in face of westbound train and was struck. Licence, Que. 160-161.
1	—	3	Automobile—Automobile ran into side of train. Licence, Que. 87841.
1	—	1	Auto truck—Auto truck stopped foul of track; unable to back up to clear before being struck by train. Licence, Que. F-16-835.
1	—	4	Auto truck—Auto truck driver failed to stop for crossing and was struck by train. Licence, Que. F-11-813.
ONTARIO			
1	—	2	Automobile—Automobile struck track motor car. Licence, Ont. 16-V-20.
1	—	2	Automobile—Automobile ran into side of train. Licence, Ont. 64-T-57.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 112-N-3.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. A-6950.
1	—	1	Automobile—Automobile stalled on crossing, and was struck by train. Licence not given.
1	—	1	Bicycle—Bicycle struck by train.
1	—	2	Automobile—Automobile struck track motor car. Licence, Ont. 10-M-81.
1	—	3	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 425-D-3.
MANITOBA			
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Man. 23-605.
1	—	1	Automobile—Automobile ran into side of train. Licence, Man. 55-992.
SASKATCHEWAN			
1	—	4	Automobile—Automobile ran into side of train. Licence, Ont. 19-D-70.
1	—	1	Auto truck—Auto truck ran into side of train. Licence, Sask. T-2548.
ALBERTA			
1	—	1	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Alta. D-13-292.
1	—	1	Auto truck—Auto truck stopped at crossing to allow train to pass, was struck by another auto in rear and pushed on to track in front of approaching train and was struck. Licence, Alta. C-5-516.
1	—	1	Automobile—Automobile ran into side of train. Licence, Alta. 68-444.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Alta. 24-986.
1	—	1	Auto truck—Auto truck ran into side of train. Licence, Alta. 8-503.

Of the 24 accidents at highway crossings, 20 occurred at unprotected crossings and 4 at protected crossings.

Eleven of the accidents occurred after sunrise, and 13 occurred after sunset.
December 28, 1938.

SUMMARY OF ORDERS ISSUED BY THE BOARD

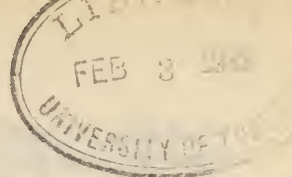
- 56783. Dec. 2—Declaring the C.P.R. crossing at mileage 19·S7 Adirondack Subdv., protected to Board's satisfaction.
- 56784. Dec. 2—Declaring the C.P.R. crossing at mileage 47·5 Lachute Subdv., protected to Board's satisfaction.
- 56785. Dec. 2—Declaring the C.N.R. crossing at mileage 81·88 Chatham Subdv., protected to Board's satisfaction.
- 56786. Dec. 2—Approving under Maritime Freight Rates Act, tolls published in tariff
- 56787. Dec. 2 and supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56788. Dec. 2—Authorizing the C.P.R. to construct a proposed branch line of railway to serve the Seaport Dock & Shipping Co., Ltd., and the Vancouver Salmon & Fruit Terminal Co. at mileage 126·18 Cascade Subdivision.
- 56789. Dec. 2—Authorizing the C.N.R. to operate over that portion of the subway carrying their main line tracks at Victoria Park Ave., Toronto, Ont.
- 56790. Dec. 2—Requiring the C.P.R. to install an automatic bell and wigwag at crossing of Highway No. 30, mileage 0·44 Peterboro Subdv., near Havelock, Ont.
- 56791. Dec. 3—Authorizing the C.N.R. to construct subway under their tracks at Ste. Anne Street, St. Hyacinthe, Que., and pedestrian subways at Bourdages and Laframboise Streets, etc.
- 56792. Dec. 3—Approving location of storage tanks, etc., of the British American Oil Co., Ltd., at Shoal Lake, Man.
- 56793. Dec. 2—Approving under the Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under Sec. 9.
- 56794. Dec. 3—Amending Order No. 56439 dated Sept. 22, 1938, to provide for the rescinding of certain previous Orders.
- 56795. Dec. 5—Authorizing the Algoma Central & Hudson Bay Railway Co. to construct a steel trestle over its stock pile at Michipicoten Harbour, Ontario.
- 56796. Dec. 5—Approving location of storage tanks, etc., of the British American Oil Co., Ltd., adjacent to C.P.R. at Manitou, Man.
- 56797. Dec. 5—Declaring the C.N.R. crossing at mileage 4·96 Saskatoon Terminals, protected to Board's satisfaction.
- 56798. Dec. 5—Approving location of storage tanks, etc., of the British American Oil Co., Ltd., adjacent to C.P.R. at Minnedosa, Man., and Estevan, Sask.
- 56799. Dec. 5—Declaring the C.N.R. crossing at mileage 216·7 Jonquiere Subdv., protected to Board's satisfaction.
- 56801. Dec. 5—Approving locations of storage tanks, etc., of British American Oil Co., Ltd., adjacent to C.P.R. at Deloraine, and Killarney, Man.
- 56802. Dec. 5—Approving traffic agreement between La Compagnie de Telephone de Spring Hill and the Bell Telephone Co.
- 56803. Dec. 5—Approving location of pipe lines, loading rack, tanks, etc., of Argo Petroleum Co., Ltd., adjacent to C.N.R. at Whitby Harbour, Ont.
- 56804. Dec. 5—Amending Order No. 39019 dated May 10, 1927, by striking out the word "December" in the third line of paragraph 2 and substituting therefor the word, "November."
- 56805. Dec. 5—Authorizing the C.N.R. to transfer caretaker at Otter Lake Station to station at Holmur, Ont.
- 56806. Dec. 5—Approving abandonment of operation of that portion of C.N.R. Algonquin Subdv., between a point 3,000 feet east of James Bay Junction and a point 4,227 feet east of Otter Lake Station, Ont.
- 56807. Dec. 7—Approving under Maritime Freight Rates Act, tolls published in supplements to Tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56808. Dec. 7—Approving under Maritime Freight Rates Act, toll published in tariff filed by the Sydney & Louisburg Rly. Co. under Sec. 9.
- 56809. Dec. 6—Requiring the C.N.R. to reconstruct existing subway under their tracks at Pleasant Street, Amherst, N.S.
- 56810. Dec. 6—Amending Order No. 56764 dated Nov. 28, 1938, to provide for further conditions.
- 56811. Dec. 7—Declaring the C.P.R. crossing at mileage 39·19 Windsor Subdv., protected to Board's satisfaction.
- 56812. Dec. 7—Authorizing the C.P.R. to remove shelter at Kinglake Station, Ont.
- 56813. Dec. 5—Approving supplement to traffic agreement between the Bell Telephone Co. and the Wolford Rural Telephone Co., Ltd.
- 56814. Dec. 7—Authorizing the R. M. of Bratt's Lake No. 129, Sask., to construct public highway crossing over C.N.R. north of the elevator yard at Estlin, Sask.
- 56815. Dec. 10—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56816. Dec. 8—Approving proposed location of refinery of the Selkirk Oil Refinery, near the C.P.R. tracks at Selkirk, Man.
- 56817. Dec. 8—Approving proposed location of refinery of the Selkirk Oil Refinery, near the C.P.R. tracks at Selkirk, Man.
- 56818. Dec. 8—Approving proposed location of refinery of the Selkirk Oil Refinery, near the C.P.R. tracks at Selkirk, Man.

- 56819. Dec. 9—Approving proposed location of unloading rack, etc., of British American Oil Co., Ltd., near C.N.R. at Vegreville, Alta.
- 56820. Dec. 8—Approving locations of storage tanks, etc., of British American Oil Co., Ltd., near the C.P.R. at Morse and Shaunavon, Sask.
- 56821. Dec. 9—Declaring the C.P.R. crossing at mileage 78 Langdon Subdv., protected to Board's satisfaction.
- 56822. Dec. 8—Authorizing the C.N.R. to operate over the four bridges which form part of subway scheme at Sioux Lookout, Ont.
- 56823. Dec. 10—Authorizing the C.P.R. to reconstruct bridge No. 84·4 Chalk River Subdv., over the Muskrat River.
- 56824. Dec. 10—Approving traffic agreement between the Bell Telephone Co. and the Kaladar & Northern Telephone System.
- 56825. Dec. 10—Approving traffic agreement between the Bell Telephone Co. and the Ernestown Rural Telephone Co., Ltd.
- 56826. Dec. 10—Approving supplement to service station contract between the Bell Telephone Co. and the O'Connell-Rathburn Telephone Co., Ltd.
- 56827. Dec. 12—Declaring the C.P.R. crossing at mileage 4·59 Webbwood Subdv., protected to Board's satisfaction.
- 56828. Dec. 12—Declaring the C.N.R. crossing at mileage 37·1 Oyen Subdv., protected to Board's satisfaction.
- 56829. Dec. 12—Suspending the provisions of Order No. 48109 dated Feb. 9, 1932, during period of local train service of the C.N.R. between Rivière du Loup and Lévis.
- 56830. Dec. 12—Declaring the C.N.R. crossing at mileage 53·6 Gladstone Subdv., protected to Board's satisfaction.
- 56831. Dec. 12—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., near C.P.R. at Russell, Man.
- 56832. Dec. 12—Rescinding Order No. 44011 dated December 16, 1929, *re* crossing of the C.N.R. along the northern boundary of the NE $\frac{1}{4}$ of Sec. 6, 28, 12, W4M., Alta.
- 56833. Dec. 12—Refusing application of Dept. of Public Works for B.C. for a contribution form Parliamentary Vote 1938-39 towards cost of improvement to existing overhead crossing of the C.P.R. west of North Bend, B.C.
- 56834. Dec. 13—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56835. Dec. 13—Amending Order No. 54898 dated Sept. 27, 1937, to provide for additional cost of work.
- 56836. Dec. 13—Authorizing the C.N.R. to use and operate bridge at mileage 115·0 Three Hills Subdivision.
- 56837. Dec. 13—Approving clearances at building on siding serving the Cobourg Dyeing Co., Ltd., at Cobourg, Ont. (C.N.R.).
- 56838. Dec. 14—Approving revised plan showing proposed overhead crossing at mileage 17·7 of the C.N.R. Wabamun Subdv.
- 56839. Dec. 13—Authorizing the C.P.R. to construct and operate a branch line to serve International Foils Limited at mileage 1·27 Wayagamack Spur, Cap de la Madeleine, Que.
- 56840. Dec. 13—Declaring eastbound traffic at C.N.R. crossing at mileage 16·65 St. Tite Subdv., protected to Board's satisfaction.
- 56841. Dec. 13—Approving abandonment of operation of Pere Marquette Railway Co. spur line serving Walker Farms, Ltd., at Walkerville, Ont.
- 56842. Dec. 13—Authorizing the C.P.R. to construct a public highway crossing over its line of railway at mileage 34·7 Wetaskiwin Subdv., at Strome, Alta.
- 56843. Dec. 14—Declaring the Pere Marquette Railway crossing immediately east of Wheatley Station, Ont., protected to Board's satisfaction.
- 56844. Dec. 15—Declaring the Michigan Central Railroad crossing at mileage 48·40 St. Clair Branch, protected to Board's satisfaction.
- 56845. Dec. 15—Declaring the C.N.R. crossing at mileage 151·8 Bathurst Subdv., protected to Board's satisfaction.
- 56846. Dec. 15—Declaring the C.N.R. crossing at Welland St., Port Colborne, Ont., protected to Board's satisfaction.
- 56847. Dec. 16—Approving proposed location of unloading rack, etc., of the British American Oil Co., Ltd., near the C.P.R. at Cypress River, Man.
- 56848. Dec. 16—Authorizing the Dept. of Roads for Quebec to construct a subway under the C.N.R. at a point where proposed extension of Sherbrooke St., Pointe aux Trembles, Que., crosses the railway.
- 56849. Dec. 16—Declaring the C.P.R. crossing at mileage 89·37 Cranbrook Subdv., protected to the Board's satisfaction.
- 56850. Dec. 17—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., near the C.P.R. at Meadow Lake, Sask.
- 56851. Dec. 17—Approving proposed location of storage tanks, etc., of British American Oil Co., Ltd., near the C.P.R. at Lethbridge, Alta.

56853. Dec. 17—Amending Order No. 55408 dated January 4, 1938, to provide for extra cost of work.
56854. Dec. 17—Authorizing the C.P.R. to operate over the subway at mileage 1·5 Ste. Agathe Subdv., near Ste. Therese de Blainville, Que.
56855. Dec. 17—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under Sec. 9.
56856. Dec. 20—Approving proposed location of C.P.R. portable station at Linacre, Sask.
56857. Dec. 21—Authorizing the C.N.R. to discontinue the flag stop and remove shelter at Portage Road, Ont.
56858. Dec. 21—Authorizing the C.N.R. to construct highway crossing over their railway at mileage 134·1 Fort Frances Subdv.
56859. Dec. 21—Declaring the C.N.R. crossing at mileage 10·74 Owen Sound Subdv., protected to Board's satisfaction.
56860. Dec. 21—Declaring the C.P.R. crossing at mileage 0·3 Lacombe Subdv., protected to Board's satisfaction.
56861. Dec. 21—Authorizing the C.N.R. to reconstruct bridge over the Assiniboine River, Man.
56862. Dec. 21—Authorizing the Dept. of Roads for Quebec to widen the crossing of the Montreal & Southern Counties Railway at Montee de l'Eglise, Que.
56863. Dec. 22—Authorizing the C.N.R. to discontinue flag stop and to remove shelter at Nasseau, Ont.
56864. Dec. 21—Relieving the C.N.R. from maintaining fences at certain points on their Bedford Subdv., Nova Scotia.
56865. Dec. 21—Approving plans showing circuits to be employed at the C.N.R. crossing just south of Gravenhurst Station, Ont., etc.
56866. Dec. 22—Authorizing the C.N.R. to remove shelter at Foxboro, Ont., and discontinue this point as a flag stop.
56867. Dec. 21—Approving location of storage tanks, etc., of the British American Oil
56868. Dec. 22 Co., Ltd., near the C.N.R. at Eston, Sask., and near the C.P.R. at Nipawin, Sask.
56869. Dec. 22—Approving traffic agreement between the Bell Telephone Co. and Wesley Hamilton Taylor, proprietor of the Gillies Telephone System.
56870. Dec. 22—Authorizing the C.P.R. to construct and maintain a grade level crossing over its tracks at mileage 103·79 MacTier Subdv., Ontario.
56871. Dec. 21—Declaring the C.N.R. crossing at mileage 61·83 Three Hills Subdv., protected to Board's satisfaction.
56872. Dec. 22—Authorizing the C.P.R. to revise location of portions of branch lines of railway authorized to be constructed under Order No. 55232, to serve Swift Canadian Co., Ltd.
56873. Dec. 22—Approving location, etc., of station shelter proposed to be erected by the C.N.R. at Shawmere, Ont.
56874. Dec. 22—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
56875. Dec. 22—Authorizing the C.N.R. to use and operate bridges at mileage 20·2 Beechy
56876. Subdv., 23·5 Cut Knife Subdv., 16·9 Tisdale Subdv., to discontinue flag
56877. stop at Lock No. 3 Lakefield Subdv., to operate bridge at mileage 28·9
56878. Tisdale Subdv., and pile trestle at mileage 76·5 Blaine Lake Subdivision.
- 56879.
- 56880.
56881. Dec. 29—Authorizing the Pittsburgh & Lake Erie Railroad Company to file on one day's notice a supplement to its tariff C.T.C. No. 296 to correct an error.
56882. Dec. 27—Approving proposed location of tanks, etc., of the Imperial Oil Limited, near the C.P.R. at Winkler, Man.
56883. Dec. 22—Authorizing the C.N.R. to use and operate bridge over Belle River at mileage 190·0 from Quebec, on the Jonquiere Subdivision.
56884. Dec. 28—Approving proposed location of storage tanks, etc., of Georges L'Herault at Three Rivers, Que., adjacent to C.P.R.
56885. Dec. 27—Declaring the C.N.R. crossing at mileage 16·9 Bienfait Subdv., protected to Board's satisfaction.
56886. Dec. 27—Declaring the C.P.R. crossing at mileage 70 Wetaskiwin Subdv., protected to Board's satisfaction.
56887. Dec. 27—Authorizing the Vancouver, Victoria & Eastern Railway & Navigation Co. to render the draw span fixed at the drawbridge over the Nikomekl River near Crescent, B.C., etc.
56888. Dec. 27—Authorizing the C.P.R. to use and operate bridge at Chapleau, Ont.
56889. Dec. 27—Authorizing the C.P.R. and the Pere Marquette Railway Companies to operate their trains through interlocking plant at crossing of these railways at Chatham, Ont.
56890. Dec. 27—Requiring the C.N.R. to install bell and wigwag at crossing of the highway west of Chambord, Que.

- 56891. Dec. 31—Authorizing the C.N.R. to construct a temporary highway crossing over its railway near the southerly limits of town of Bracebridge, etc.
- 56892. Dec. 29—Declaring the C.N.R. crossing at mileage 26·8 Craik Subdv., protected to Board's satisfaction.
- 56893. Dec. 29—Declaring the T. H. & B. crossing of Gage Avenue North, Hamilton, Ont., protected to Board's satisfaction.
- 56894. Dec. 28—Declaring the Grand River Railway crossing at mileage 1·5 Waterloo Subdv., protected to Board's satisfaction.
- 56895. Dec. 28—Declaring the C.N.R. crossing at mileage 15·45 Fergus Subdv., protected to Board's satisfaction.
- 56896. Dec. 28—Approving under Maritime Freight Rates Act, toll published in tariff filed by the C.N.R. under Sec. 3.
- 56897. Dec. 28—Approving under Maritime Freight Rates Act, tolls published in supplements to tariffs filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 56898. Jan. 4—Approving under Maritime Freight Rates Act, tolls published in tariff (1939) filed by the C.N.R. under Sec. 3.
- 56899. Dec. 28—Approving under Maritime Freight Rates Act, toll published in tariff filed by the C.N.R. under Sec. 3.
- 56901. Dec. 29—Requiring the Pere Marquette Railway Co. to install two wigwags and one bell at first public crossing west of Blenheim Station, Ontario.
- 56902. Dec. 30—Authorizing the Dept. of Highways for Ontario to construct a highway crossing over the C.N.R. on revised Highway No. 17, in Lot 3, Con. 4, Township of Neelon, District of Sudbury, Ontario.
- 56903. Dec. 29—Authorizing the Village of Ruddell, Sask., to change existing crossing of the C.N.R. in the said village.
- 56904. Dec. 29—Authorizing the C.N.R. to use and operate highway bridge at Champigny, Que.
- 56905. Dec. 29—Requiring the C.N.R. to install an automatic bell and wigwag at crossing of the highway at mileage 50·8 Huntsville Subdv.
- 56906. Dec. 29—Declaring the Lake Erie & Northern Railway crossing at Alfred St., Brantford, Ont., protected to Board's satisfaction.
- 56907. Dec. 29—Approving traffic agreement between the Bell Telephone Co. and La Ligne Telephonique des Cultivateurs de la Province de Quebec.
- 56908. Dec. 29—Dismissing complaint of T. Senecal, of Montreal, Que., against the alleged dangerous conditions existing at the crossing of the highway by the C.P.R. and C.N.R. at Strathmore, Que.
- 56909. Dec. 29—Authorizing the C.P.R. to reconstruct overhead farm crossing at mileage 15·23 Parry Sound Subdivision.
- 56910. Dec. 29—Authorizing the C.P.R. to operate bridge No. 84·4 Chalk River Subdivision, Ontario.
- 56911. Dec. 29—Authorizing the C.N.R. to operate bridge over Siwash Creek, at mileage 23·4 Yale Subdv., B.C.
- 56912. Dec. 30—Authorizing the C.N.R. to remove station agent at Leitches Creek, N.S.
- 56913. Dec. 30—Authorizing the C.N.R. to close as an agency their station at Waverley, N.S.
- 56914. Dec. 30—Authorizing the C.N.R. to remove station agent at Red Rock, Ontario.

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The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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Reconsideration of the distribution of cost in connection with protection provided at the crossing of the highway by the tracks of the Hamilton-Allendale Branch of the Canadian National Railways and the Toronto-Sudbury Branch of the Canadian Pacific Railway, on the boundary line between the Township of Albion, in the County of Peel, and the Township of Tecumseh, in the County of Simcoe, in the Province of Ontario, as provided by Order of the Board No. 56054, dated June 17, 1938.

File 26711.636

HEARD AT OTTAWA, ONT., JULY 21, 1938

JUDGMENT

STONE, COMMISSIONER:

Between Schomberg and Orangeville, the Canadian National Railways intersects No. 9 Highway at mileage 51.91 on its Milton Subdivision and the Canadian Pacific Railway intersects the same highway at mileage 32.5 on its MacTier Subdivision, the two crossings being 120 feet apart. Trains on both roads are moved by locomotives propelled by steam. The train movements on the Canadian National line amount to about three daily except Sunday, while on the Canadian Pacific Railway, the train movements average ten or eleven a day, including Sunday.

The Canadian National Railways is senior to the Canadian Pacific Railway in the territory, but the highway is senior to both railways and was formerly a County Road, recently taken over by the Department of Highways for Ontario, and over which high speed and heavy traffic obtain. View lines in one angle of the crossings are considered good, while in the others, the view is restricted.

Approaching the crossings from the west, there is a descending grade to within 600 feet of the Canadian National Railways; from that point there is a slight ascending grade towards the track. Between the tracks of the two railways there is an ascending grade of 8 per cent to the Canadian Pacific Railway (approximately ten feet above the Canadian National Railways), and beyond that point the grade ascends slightly.

Automatic protection at these crossings was considered necessary by the Simcoe County Council, and investigation by the Board's Engineer substantiated

that view. Order of the Board No. 56054 issued on the 17th day of June, 1938, providing for the installation of two bell and wig-wag automatic signals, bonded to both railways, the apportionment of the cost being as follows,—Forty per cent of the cost of installation (not exceeding the sum of \$2,000) to be paid out of the Railway Grade Crossing Fund from the amount appropriated to such fund under Vote No. 422 for 1938-1939; the remainder to be borne and paid,—one third by the Department of Highways for the Province of Ontario, one third by the Canadian National Railways, and one third by the Canadian Pacific Railway Company. The cost of maintaining the bell and wig-wag on the Canadian National Railways to be paid one half by the Department of Highways for the Province of Ontario, and one half by the Canadian National Railways; the cost of maintaining the bell and wig-wag on the Canadian Pacific Railway to be paid one half by the Department of Highways for the Province of Ontario, and one half by the Canadian Pacific Railway Company.

The Canadian National Railways filed objection to the apportionment of the costs for the installation and maintenance of this protection, and requested a Hearing at which they might present their views. The case was heard at Ottawa on the 21st day of July, 1938.

I. C. Rand, K.C., appeared for the Canadian National Railways; J. Q. Maunsell, K.C., appeared for the Canadian Pacific Railway Company, and Mr. H. M. Balfour appeared for the Department of Highways for the Province of Ontario.

Counsel for the applicant contended that so far as the Canadian National Railways were concerned, there was no justification for protection at this crossing; they had only three train movements per day over the crossing, and the need for protection was because the two railways were close together, which constituted one hazard; that the situation should be treated as a whole and the costs allocated accordingly.

The Chief Commissioner:

"What do you think of the proposal recently made that each crossing should bear the cost of its own installation?"

Mr. Rand:

"It seems to me that the two tracks are too close together for that. The hazard is a joint hazard."

Counsel for the Canadian Pacific Railway Company contended that the distribution of costs, as provided by Order of the Board No. 56054, should not be changed, and that if there were to be a redistribution, it must not be overlooked that the Government grant of forty per cent, as well as the percentage assessed against the Department of Highways, has already been applied to the sum of \$600 incurred because of the circuit on the siding north of the track on the Canadian Pacific Railway.

Mr. H. M. Balfour, for the Ontario Department of Highways, requested that the costs for maintenance be distributed in the proportion of one third to each party concerned, and not on a fifty per cent basis between the Ontario Department of Highways and each railway as provided by Order No. 56054.

This form of automatic protection requires both railway tracks to be bonded to both bell and wig-wag signals, so that they will operate together when a train approaches on either railway. On the Canadian Pacific Railway there is a switch within the circuit, and the cost for installation on that railway will be approximately \$600 more than on the Canadian National Railway. On the Canadian Pacific the train movements are more frequent and in some cases faster. The Canadian National is senior to the Canadian Pacific at this crossing, while the highway is senior to both, but the substantial increase in highway traffic is responsible for the required protection.

In view of the foregoing, I would amend the Board's Order No. 56054 to provide for the allocation of the costs for installation, as follows,—Forty per cent to be paid from the Railway Grade Crossing Fund (not to exceed the sum of \$2,000), the balance of the cost of installation to be divided and paid between the three parties,—36 per cent by the Department of Highways for the Province of Ontario, 34 per cent by the Canadian Pacific Railway Company and 30 per cent by the Canadian National Railways.

A question has recently developed as to difficulty in accounting if more than one railway company deals with Municipalities or Provincial Highway Departments on questions of costs for maintenance or protection at a crossing on its own line. The tracks of both railways have to be bonded for simultaneous operation. There is joint responsibility between the two railways to see that the protection is functioning at all times.

For these reasons, and in view of the divided responsibility of the hazards at both these crossings, I am of the opinion that the maintenance charges should be allocated and paid,—

- 36 per cent by the Department of Highways for the Province of Ontario;
- 34 per cent by the Canadian Pacific Railway Company;
- 30 per cent by the Canadian National Railways;

and that an amending Order should issue accordingly.

OTTAWA, October 15, 1938.

The Chief Commissioner concurred.

File 26711.636

STONEMAN, COMMISSIONER:

(Dissenting)

I agree that Order No. 56054 should be changed; but suggest the change should be made in a manner which will place the additional expense definitely upon the party responsible. It is a fact that the additional expense of \$600 is because of a siding on the Canadian Pacific Railway, which will be within the bonded area; and therefore, installation of a cut-out will be necessary. I feel, that, first the amount of \$600 should be deducted from the total cost of \$5,000, which would leave an amount of \$4,400 and would deal with each amount as follows: (\$4,400 first and \$600 second).

40 per cent from the Grade Crossing Fund..	\$1,760
20 per cent from the Canadian Pacific Railway Company.. . . .	880
20 per cent from the Canadian National Railways..	880
20 per cent from the Department of Highways..	880
Total..	<u>\$4,400</u>

Apportionment of the amount of \$600, due to additional cost on account of C.P.R. siding would be treated in the same manner as the allotment under Order No. 56054, with the exception that the portion under that Order, payable by the Canadian National Railways will be payable by the Canadian Pacific Railway Company. In other words, 20 per cent of the cost will be taken from the Canadian National Railways and allotted to the Canadian Pacific Railway Company. This would work out, as follows:—

40 per cent contributed by the Board..	\$240
40 per cent contributed by the C.P.R..	240
20 per cent contributed by the Department of Highways.. . . .	120
Total..	<u>\$600</u>

The total cost of protection, therefore, under this arrangement, would work out as follows:—

Board..	\$1,760	plus	\$240	.. . . . .	\$2,000
C.P.R..	880	plus	240	.. . . . .	1,120
C.N.Ry..	880	plus	.. . . . .	.. . . . .	880
Department of Highways.. . . .	880	plus	120	.. . . . .	1,000
	<u>\$4,400</u>		<u>\$600</u>		<u>\$5,000</u>

This would work out to the following percentages:—

40 per cent from the Board, and the balance of costs:—

37 $\frac{1}{3}$ per cent to the Canadian Pacific Railway Company.

29 $\frac{1}{3}$ per cent to the Canadian National Railways.

33 $\frac{1}{3}$ per cent to the Department of Highways.

With regard to the matter of maintenance. If the above distribution of costs was made, then no increase of cost has been placed upon the Department of Highways and there does not appear to be any necessity of alteration in maintenance, as set out in Order No. 56054.

OTTAWA, January 3, 1939.

ORDER No. 56935

In the matter of the Order of the Board No. 56054, dated June 17, 1938, requiring the Canadian Pacific Railway Company to install two wigwags and two bells at the crossing of the Town Line Road by its line of railway and the line of the Canadian National Railways near Palgrave, Ontario, mileage 32.5 of the Canadian Pacific Railway Company's MacTier Subdivision; and apportioning the cost of installing and maintaining the said bells and wigwags;

And in the matter of the reconsideration of the question of the distribution of cost.

File No. 26711.636

FRIDAY, the 6th day of January, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Ottawa, July 21, 1938, in the presence of Counsel for the Canadian National Railways and the Canadian Pacific Railway Company, the Department of Highways for the Province of Ontario being represented at the hearing, and what was alleged—

It is ordered: That the said Order No. 56054, dated June 17, 1938, be, and it is hereby, amended by striking out paragraphs 2, 3, and 4 thereof and substituting therefor the following, namely:—

"2. That forty per cent of the cost of installing the said bells and wigwags, not exceeding, however, the sum of \$2,000, be paid out of the Railway Grade Crossing Fund from the amount appropriated to such fund under Department of Transport Vote No. 422, Supplementary Estimates 1938-39; and that the remainder of the said cost be borne and paid thirty-six per cent by the Department of Highways for the Province of

Ontario, thirty-four per cent by the Canadian Pacific Railway Company, and thirty per cent by the Canadian National Railways.

"3. That the cost of maintaining the said bells and wigwags be borne and paid thirty-six per cent by the Department of Highways for the Province of Ontario, thirty-four per cent by the Canadian Pacific Railway Company, and thirty per cent by the Canadian National Railways."

H. GUTHRIE,
Chief Commissioner.

Application of the Canadian National Railways for reconsideration of the distribution of costs, in connection with the protection provided at the highway crossing tracks of the Canadian National Railways and the Grand River Railway Company, in Lot 11, Concession 12, Township of North Dumfries, Ontario, as required by Order of the Board, No. 55403, dated January 3rd, 1938. File 26765.49.

Heard at Ottawa, Ont., July 21st, 1938.

JUDGMENT

STONE, COMMISSIONER:

By agreement contracted in 1937 between the Department of Highways for the Province of Ontario, the Grand River Railway Company (Canadian Pacific Railway Company) and the Canadian National Railways, the track of the Grand River Railway Company was moved a distance of approximately 800 feet and relocated parallel to the single track and on the right-of-way of the Canadian National Railways, at the crossing at grade on Highway No. 24, in Lot 11, Concession 12, in the Township of North Dumfries, Ontario.

The change eliminated one level highway crossing, but created a triple main line track crossing where previously only one main line track crossing existed.

Acting upon representations made for automatic protection at the said crossing, and on the recommendation of the Board's Chief Engineer, Order No. 55403 issued on the 3rd day of January, 1938. This Order required the Grand River Railway Company to install two automatic bell and wig-wag signals, one on each side of the three main line tracks which crossed over Highway No. 24.

With the approval of the Governor-in-Council by Order-in-Council, P.C. 2357, dated the 29th day of September, 1937, seventy per cent of the estimated cost for installation, not exceeding the sum of \$2,625.00, was authorized to be paid out of the Fund appropriated for the purpose, under Department of Transport Vote 357, Special Supplementary Estimates 1937-1938; the remainder of the cost of installation, together with annual maintenance charges, to be paid equally, one third by the Department of Highways for the Province of Ontario, one third by the Grand River Railway Company and one third by the Canadian National Railways.

The Canadian National Railways filed its protest against the apportionment of costs, as directed by the terms of the Board's Order No. 55403.

The application was heard at Ottawa on Thursday, July 21st, 1938.

I. C. Rand, K.C., appeared for the Canadian National Railways.

J. Q. Maunsell, K.C., appeared for the Grand River Railway Company.

H. M. Balfour, appeared for the Department of Highways for the Province of Ontario.

Counsel for the Applicant contended that the protection considered necessary was created by the adjoining double track main line of the Grand River Railway and that this Company operates inter-urban Radial Electric cars with seven times as many movements over the said crossing as the Canadian National Railways, which had only two passenger trains and four freight train movements over the crossing daily; that since 1924 there had been no accidents at this crossing, where improvements had been made in the view lines to the satisfaction of the Board. The applicant further contended that as the Canadian National Railways was senior at the crossing and as 90 per cent of the hazard had been created by the relocation of the tracks of the Grand River Railway, the allocation of the costs for the protection installed should be varied in favour of the applicant Company.

Counsel for the Grand River Railway Company stated that no new facts had been developed that were not before the Board when Order No. 55403 issued. Protection of some kind was inevitable to protect the gradually increasing traffic on Highway No. 24, regardless of whether the tracks of either railroad were located as formerly, or in close proximity to one another. All trains moving freight on the Grand River Railway came to a stop before crossing the highway; the passenger trains consist of one or two Electric Radial cars, several of which class of train also come to a stop at the crossing. These trains are operated by a motorman in front, with full view of the track and greater opportunities to guard against accidents than the operator of a locomotive. He contended that it was quite proper that the costs should be distributed as defined by Order No. 55403.

Mr. Balfour, Chief Engineer for the Department of Highways for Ontario, stated that the public demands protection at level crossings, and when installed this should be as valuable to the railway as to the users of the highway. At level crossings there is a hazard to the vehicle on the highway, also the danger of the derailment of the engine with fire following, should an accident occur; that highway traffic was in existence before the railways were heard of and railways always have been in competition with the highway, and that the Department of Highways has spent already a sufficient amount in eliminating one crossing, where otherwise, protection for two crossings would have been necessary.

The file shows that on the 10th day of October 1917, an accident occurred at the said crossing, involving the death of three persons and injury to two others.

On the 16th day of July, 1923, another accident occurred which caused the death of one person and injuries to another. Improvements were made by the railway company in the view lines at this crossing, which were considered adequate at the time.

Highway No. 24 is the main road between Brantford and Guelph, connecting with important highways east and west, with traffic gradually increasing. Automatic protection is now necessary where this highway crosses both these railways on the Hespeler Road.

Several previous Judgments of the Board were cited by Counsel for both railways to substantiate their arguments. However these cases applied to steam operated railways and the municipalities affected.

In this case the Canadian National Railways operates medium sized trains hauled by steam locomotives at an alleged speed of 35 to 40 miles per hour, in addition to occasional switching movements over the said crossing. The Grand River Railway operates electric radial cars with the motorman in front where he has a good view of the track ahead. It is admitted that the number of movements on the Grand River Railway is approximately seven times greater than on the Canadian National Railways, but on the electric lines all freight trains and a substantial percentage of passenger trains are brought to a stop before passing over the highway.

The Board's records for 1937 show that out of 286 accidents at highway crossings, 101 were caused by auto vehicles running into the sides of trains at crossings, resulting in 10 persons being killed and 187 injured. This class of accident is more liable to occur with trains in proportion to their length, than is liable to happen when rail movements consist of only one or two electric cars. The number of train movements made by different railroads over the same highway crossing may vary as business fluctuates, and this feature should not of itself be considered a determining factor in allocating costs for erection and maintenance of automatic protection.

The Grand River Railway double track was already bonded for electrical operation and its costs for installation of bell and wig-wag signals are shown as \$760.08, while that of the Canadian National Railways' single track line amounted to \$906.22, as its track had to be bonded. The distance between the centre line of the two outside tracks is shown by the plan to be 36½ feet. The entire lay-out constitutes one highway crossing at grade without the railway tracks being segregated from each other a greater distance than is necessary for safe operation.

In consideration of all that is involved in this case, I am of opinion that the installation costs should be divided as follows: Seventy per cent (70%) of the estimated cost, not exceeding the sum of \$2,625.00, to be paid out of the Fund appropriated for the purpose under Department of Transport Vote No. 357, Special Supplementary Estimates, 1937-1938; the remainder of the costs of installation to be paid fifteen per cent (15%) by the Department of Highways for the Province of Ontario; ten per cent (10%) by the Grand River Railway Company, and five per cent (5%) by the Canadian National Railways. The maintenance costs to be borne and paid,—thirty-three and one third per cent (33⅓%) by the Department of Highways for the Province of Ontario; thirty-three and one third per cent (33⅓%) by the Grand River Railway Company, and thirty-three and one third per cent (33⅓%) by the Canadian National Railways.

OTTAWA, October 15th, 1938.

The Chief Commissioner concurred.

Re File 26765.49

STONEMAN, COMMISSIONER:

(Dissenting)

While I agree the Board has power, under Section 51, to review, rescind, change, alter, or vary, any Order or decision made by it, I do not feel Order No. 55403 should be changed as proposed in the Judgment, for the following reasons:

1. The Board's file shows that reports and correspondence *re* accidents at this particular grade crossing, prior to the agreement being entered into between the Ontario Highways Department and the Canadian National Railways, providing for the moving of the tracks of the Grand River Railway Company to the present location made perfectly clear to the Canadian National Railways that protection might be ordered.

2. When the Canadian National Railways were granted a hearing, Mr. Rand, Counsel for the Railway Company, argued that, a redistribution of the cost should be made providing for a larger percentage of the cost against the Grand River Railway Company.

3. The Judgment does no such thing. It leaves the percentage payable by the Grand River Railway Company the same as under Board's Order No. 55403; but, 16⅓'s of the remainder of the cost is taken off the Canadian National Railways and assessed against the Department of Highways.

I feel very strongly that Order No. 55403 was a fair apportionment of the cost of construction, having in mind all the circumstances surrounding this case, and therefore do not agree with the apportionment of cost of construction as proposed in the Judgment, but agree with the apportionment of maintenance.

OTTAWA, January 3rd, 1939.

ORDER NO. 56936

In the matter of the Order of the Board No. 55403, dated January 3, 1938, requiring the Grand River Railway Company to install two automatic bells and wigwags, one on each side of the three main tracks crossing Highway No. 24 in Lot 11, Concession 12, Township of Dumfries North, in the Province of Ontario; and apportioning the cost of installing and maintaining the said bells and wigwags;

And in the matter of the reconsideration of the question of the distribution of cost.

File No. 26765-49

FRIDAY, the 6th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Ottawa, July 21, 1938, in the presence of Counsel for the Canadian National Railways and the Grand River Railway Company, the Department of Highways for the Province of Ontario being represented at the hearing, and what was alleged—

It is ordered: That the said Order No. 55403, dated January 3, 1938, be, and it is hereby, amended, by striking out paragraphs 2 and 3 thereof and substituting therefor the following, namely:—

“2. That, with the approval of the Governor in Council by Order in Council P.C. 2357, dated September 29, 1937, seventy per cent of the cost of installing the said bells and wigwags, not exceeding, however, the sum of \$2,625, be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 357, Special Supplementary Estimates 1937-38; and that the remainder of such cost be borne and paid fifteen per cent by the Department of Highways for the Province of Ontario, ten per cent by the Grand River Railway Company, and five per cent by the Canadian National Railways.

“3. That the cost of maintaining the said bells and wigwags be borne and paid thirty-three and one-third per cent by the Department of Highways for the Province of Ontario, thirty-three and one-third per cent by the Grand River Railway Company, and thirty-three and one-third per cent by the Canadian National Railways.”

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 56931

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822-12

THURSDAY, the 5th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in Supplement No. 7 to Tariff C.T.C. No. E-4790 (items shown hereunder), filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 7 to Tariff C.T.C. No. E-4790, approved herein, are as follows:—

Items	Cents per 100 pounds		
	Groups		
280C	H	K	L
Minimum 60,000	101	103	104
From Bridgetown, N.S. (4)	92	93½	94½
Minimum 40,000	159½	162½	164
From Bridgetown, N.S. 179½			
(4) See page 3 of tariff as amended for application.			
950A L.C.L.	316	322½	324½
	190	193½	195
2820C			
Minimum 50,000	111	113½	114
" 60,000	111	113½	114
" 50,000	121	123½	124½
(Glucose, corn sugar, starch, etc.)			
2823B	111	113½	114
2840C From Edmundston, N.B. 92½			

From stations on the Dominion Atlantic Railway, one and one-half cents per 100 pounds to be deducted on account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56932

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822-12

THURSDAY, the 5th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. E-4869, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3

of Section 3 of the said Act; the proportions of joint rates in item 3110 to be reported for the Temiscouata Railway Company at $6\frac{1}{2}$ cents per 100 pounds, the Canadian Pacific Railway Company the balance.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. E-4869, approved herein, are as follows:—

Item		Cents per 100 Pounds	
160		Any Quantity	18
190	From Saint John, N.B...	20	Min. 2,000 lbs.
	" St. Stephen, N.B...	20	15
300			$22\frac{1}{2}$
310			18
520			$12\frac{1}{2}$
620		C.L.	Any Quantity
	To Saint John, N.B...	$16\frac{1}{2}$	$22\frac{1}{2}$
	" West Saint John, N.B...	14	14
830	" Saint John, N.B...	15	20
860			$12\frac{1}{2}$
2,565			$2\frac{1}{2}$
2,995			6
3,110	To	Minimum	
		24,000	33,000
	Baker Brook, N.B...	$38\frac{1}{2}$	
	Edmundston, N.B...	$30\frac{1}{2}$	
	Fredericton, N.B...		$14\frac{1}{2}$
	Grand Falls, N.B...	29	
	Perth Jct., N.B...	$27\frac{1}{2}$	
	Woodstock, N.B...		25

The Temiscouata Railway Company's proportion, 8 cents per 100 pounds; Canadian Pacific Railway Company, the balance.

Item		Cents per 100 Pounds			
3,925	To	24,000	30,000	40,000	60,000
	Edmundston, N.B...	$29\frac{1}{2}$			27
	Fredericton, N.B...	$14\frac{1}{2}$			
	Grand Falls, N.B...		29		
	Perth Jct., N.B...		$22\frac{1}{2}$		
	Woodstock, N.B...			20	

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56964

In the matter of the application of the Wabash Railway Company, hereinafter called the "Applicant Company," under Section 342 of the Railway Act, for relief from posting certain tariffs at stations at which the population is not over 2,000 and at stations at which the population is over 2,000 and not over 10,000.

File No. 39362

SATURDAY, the 14th day of January, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon reading what is filed in support of the application, and the report and recommendation of the Assistant Director, Traffic Department—

It is ordered and declared:

1. That the Applicant Company be, and it is hereby, relieved from posting tariffs to the following extent, namely:—

- (a) That at stations at which the population is not over 2,000, only the Canadian Freight Classification, Standard and Local Specific Class Tariffs, and such other tariffs as are frequently used be posted; and that other tariffs for the use of agents at such stations be posted in the office of the Division Freight Agent in charge of that territory.
- (b) That at stations at which the population is over 2,000 and not over 10,000 tariffs that are never used need not be posted.

2. That if it is found by certain agents that tariffs required for occasional or isolated shipments are not posted, the required information can be secured by them by telegraph from the Division Freight Agents in charge of the District.

3. That, in the event of any tariff not on file at a station being required on account of frequent movement, or if any shipper requests that a tariff be posted at a particular station, such tariff shall immediately be placed on file at that station.

4. That this Order is subject to amendments or revision in the event of such action appearing necessary in the public interest.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56973

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 16th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

- Supplement 59 to Tariff C.T.C. No. E-1829.
- Supplement 20 to Tariff C.T.C. No. E-2474.
- Supplement 21 to Tariff C.T.C. No. E-2474.
- Supplement 51 to Tariff C.T.C. No. E-2248.
- Tariff C.T.C. No. E-2892.

H. GUTHRIE,
Chief Commissioner.

Extract from The Canada Gazette of Saturday, November 12, 1938, No. 20,

Vol. LXXII

TWEEDSMUIR
(L.S.)

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India;

To All To Whom these Presents shall come or whom the same may in anywise concern,—

GREETING:

A PROCLAMATION

C. P. PLAXTON,
Acting Deputy Minister of Justice, Canada.

WHEREAS in and by Section thirty-nine of the Transport Act, 1938, assented to on the first day of July in the year of Our Lord one thousand nine hundred and thirty-eight, it is provided that Part V of the said Act shall come into force on a day to be fixed by Proclamation of Our Governor in Council.

AND WHEREAS it is expedient and Our Privy Council has advised that a proclamation do issue bringing Part V of the said Act into force and to have effect upon, from and after the fifteenth day of November, in the year of Our Lord one thousand nine hundred and thirty-eight.

NOW KNOW YE that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that Part V of the said Act shall come into force and have effect upon, from and after the fifteenth day of November in the year of Our Lord one thousand nine hundred and thirty-eight.

OF ALL WHICH Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. WITNESS: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this fourth day of November, in the year of Our Lord, one thousand nine hundred and thirty-eight and in the Second year of Our Reign.

By Command,

E. H. COLEMAN,
Under-Secretary of State.

P.C. 2849

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of November, 1938.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS Part III of The Transport Act, 1938, provides that the Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

AND WHEREAS subsection 1 (a) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of international or interurban air transport services between points and places named by the Governor in Council;

AND WHEREAS the Minister of Transport reports that it is expedient that the provisions of Part III of The Transport Act, 1938, be now made applicable to transport by air by means of international or interurban air transport services between the following points and places, namely:—

INTERNATIONAL AIR TRANSPORT SERVICES

Vancouver-Seattle
 Juneau-Whitehorse-Fairbanks
 Winnipeg-Fargo
 Montreal-Albany-New York
 Montreal-Burlington-Boston

INTERURBAN AIR TRANSPORT SERVICES

Vancouver-Lethbridge-Regina-Winnipeg
 Lethbridge-Calgary-Edmonton
 Regina-Moose Jaw-Saskatoon-Prince Albert-North Battleford
 Winnipeg-Sioux Lookout-Wagaming-Kapuskasing-North Bay-Ottawa-Montreal
 Winnipeg-Sioux Lookout-Wagaming-Kapuskasing-North Bay-Toronto
 Toronto-Ottawa-Montreal
 Montreal-Moncton
 Moncton-Summerside-Charlottetown;

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection 1 (a) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of The Transport Act, 1938, be and it is hereby made applicable to transport by air by means of international or interurban air transport services between the above named points and places.

E. J. LEMAIRE,
Clerk of the Privy Council.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 4th January, 1939.

The Committee of the Privy Council have had before them a report, dated 24th December, 1938, from the Minister of Transport, representing:—

That by subsection (1) of Section 12 of The Transport Act, 1938, being Chapter 53 of the Statutes of Canada, 1938, it is provided that Part II of said Act, relative to Transport by Water, shall not come into force on, or in respect of, any sea or inland water of Canada until proclaimed by the Governor in Council to be in force on, or in respect of, such sea or inland water;

That the Board of Transport Commissioners for Canada has recommended that Part II of said Act be brought into force as from the fifteenth of January, 1939, in respect of the "Great Lakes," as defined in subsection (I) (f) of Section 2 of said Act, which reads as follows:—

"(f) 'Great Lakes' means Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, and shall include the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans."

The Minister, therefore, recommends that Part II of The Transport Act, 1938, be brought into force and have effect, in respect of the "Great Lakes," as in the said Act defined, as aforesaid, upon, from and after the fifteenth day of January, 1939, and that a proclamation do issue accordingly.

The Committee concur in the foregoing recommendation and submit the same for approval.

E. J. LEMAIRE,
Clerk of the Privy Council.

The Honourable
The Minister of Transport.

(Extract from The Canada Gazette, P. 1768, January 14, 1939)

TWEEDSMUIR
(L.S.)

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

A PROCLAMATION

C. P. PLAXTON,
Acting Deputy Minister of Justice, Canada.

WHEREAS in and by section twelve of the Transport Act, 1938, assented to on the first day of July in the year of Our Lord one thousand nine hundred and thirty-eight, being chapter fifty-three of the Statutes of Canada, 1938, it is

provided that Part II of the said Act, relative to Transport by water, shall not come into force on, or in respect of, any sea or inland water of Canada until proclaimed by our Governor in Council to be in force on, or in respect of, such sea or inland water.

AND WHEREAS it is expedient and Our Privy Council has advised that a Proclamation do issue bringing Part II of the said Act into force, in respect of the "Great Lakes," as defined in subsection (I) (f) of section two of the said Act, upon, from and after the fifteenth day of January, in the year of our Lord one thousand nine hundred and thirty-nine.

NOW KNOW YE that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that Part II of the said Act shall come into force, in respect of the "Great Lakes," as defined in subsection (I) (f) of section two of the said Act, and have effect upon, from and after the fifteenth day of January in the year of Our Lord one thousand nine hundred and thirty-nine.

Of all which Our Loving Subjects and all others whom these presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Well-beloved John, Baron Tweedsmuir of Elsfield, a Member of Our Most Honourable Privy Council, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of Our Order of the Companions of Honour, Governor General and Commander-in-Chief of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this fourth day of January in the year of Our Lord one thousand nine hundred and thirty-nine and in the Third year of Our Reign.

By Command,

W. P. J. O'MEARA,
Acting Under-Secretary of State.

The Board of

Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXVIII

February 15, 1939

No. 24

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ORDER No. 56981

In the matter of the application of the Acadia Coal Company, of Sydney, Nova Scotia, for suspension of 8th Revised Page 135 of the Canadian National Railways' Tariff C.T.C. No. E-1694, published to be effective January 23, 1939.

File No. 42051

SATURDAY, the 21st day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon reading the submissions filed in support of the application:—

It is ordered: That 8th Revised Page 135 of the Canadian National Railways' Tariff C.T.C. No. E-1694, published to be effective January 23, 1939, be, and it is hereby, suspended until further order of the Board.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56988

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

SATURDAY, the 21st day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Supplement No. 72 to Tariff C.T.C. No. E-1244 to North Bay, Ontario, filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of the said section 3; the Temiscouata Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 72 to Tariff C.T.C. No. E-1244 to North Bay, Ontario, approved herein, is:—

Billed	6
Normal	7½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56994

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 24th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3 namely:—

Supplement 17 to Tariff C.T.C. No. E-1231.
Supplement 15 to Tariff C.T.C. No. E-2311.
Tariff C.T.C. No. E-2398.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 56995

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

WEDNESDAY, the 25th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 777, filed by the Temiscouata Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 777, approved herein, are as follows:—

From	Cents per 100 pounds	
	To	
	Saint John, N.B.,	
	West St. John, N.B.	St. Andrews, N.B.
Baker Brook, N.B.	14	17
Cabano, Que.	18	
Clairs, N.B.	14	
Connors, N.B.	18	18
Ledges, N.B.	18	
Little River Mills, N.B.	18	
Notre Dame du Lac, Que.	18	
St. Hilaire, N.B.	14	17
St. Honore, Que.	18	18
St. Jacques Church, N.B.		
St. Louis du Ha Ha, Que.		
St. Modeste, Que.		
Ste. Rose, Que.		
Vauban, Que.	14	17
Whitworth, Que.		

The Temiscouata Railway Company's proportions to be reported as follows, other lines the balance:—

From	To	Cents per 100 pounds	
		B	N
Baker Brook, N.B. }	Saint John, N.B.		
Clairs, N.B. }	West St. John, N.B.		
St. Hilaire, N.B. }		4	5
All other stations	Saint John, N.B. }	5.7	7.1
	West St. John, N.B. }		
All stations	St. Andrews, N.B.	5.7	7.1
All stations	Halifax, N.S.	5.7	7.1

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57006

In the matter of the application of Trans-Canada Air Lines, under Section 18 of The Transport Act, 1938, for approval of By-law No. 2 adopted by the Board of Directors of the said Trans-Canada Air Lines on January 6, 1939, authorizing and empowering the Vice-President in Charge of Operations, the Assistant to the Vice-President in Charge of Operations, and the General Traffic Manager from time to time to prepare and issue tariffs of the tolls to be charged in respect of the operation of the Corporation's aircraft.

File No. 42057

THURSDAY, the 26th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department,—

It is ordered: That the said By-law No. 2 adopted by the Board of Directors of the Trans-Canada Air Lines on January 6, 1939, authorizing and empowering the Vice-President in charge of Operations, the Assistant to the Vice-President in charge of Operations, and the General Traffic Manager from time to time to prepare and issue tariffs of the tolls to be charged in respect of the operation of the corporation's aircraft, on file with the Board under file No. 42057, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57009

In the matter of the application of Trans-Canada Air Lines, under Section 17 of the Transport Act, 1938, for approval of Standard Passenger Tariff No. 2.

File No. 42059

MONDAY, the 30th day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department,—

It is ordered: That the said Standard Passenger Tariff No. 2 of Trans-Canada Air Lines, effective February 15, 1939, providing for a maximum fare of ten cents per mile between all points on Trans-Canada Air Lines, be, and it is hereby, approved, the said tariff, with a reference to this order, to be published in at least two consecutive weekly issues of the *Canada Gazette*.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57010

In the matter of the application of Arrow Airways Limited, under Section 18 of The Transport Act, 1938, for approval of By-law adopted by the Board of Directors of the said Arrow Airways Limited on the 13th day of January, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057-1

MONDAY, the 30th day of January, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Asst. Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department:—

It is ordered: That the said by-law of Arrow Airways Limited, adopted by the Directors on the 13th day of January, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057-1, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57031

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

FRIDAY, the 3rd day of February, A.D., 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 41 to Tariff C.T.C. No. E-1504.

Supplement 2 to Tariff C.T.C. No. E-2804.

H. GUTHRIE,

Chief Commissioner.

In the matter of regulations with respect to "Agreed Charges" under Part V of The Transport Act, 1938.

File No. 40994

GENERAL ORDER No. 581

SATURDAY the 21st day of January, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

In pursuance of the powers conferred under the provisions of The Transport Act, 1938, and of all other powers possessed by the Board in that behalf,—

It is ordered that the Regulations attached hereto be, and they are hereby, prescribed, and shall be observed, with respect to "Agreed Charges" under Part V of The Transport Act, 1938.

H. GUTHRIE,

Chief Commissioner.

REGULATIONS OF THE BOARD OF TRANSPORT COMMISSIONERS
FOR CANADA WITH RESPECT TO "AGREED CHARGES,"
PART V OF THE TRANSPORT ACT, 1938

1. Agreements shall be of uniform size, viz., eight (8) inches wide by eleven (11) inches long. They may be printed or mimeographed on paper of good quality.

2. Agreements shall be submitted for approval in triplicate, one of which shall be an original or photostat copy thereof, and shall specify the charge or charges thereunder in cents per one hundred pounds, or such other unit as the Board may approve.

3. Agreements submitted for approval shall be accompanied by an application in duplicate, substantially in the form set forth in Appendix "A" hereto.

4. Applications for approval shall be submitted to the Board, addressed to "Secretary, Board of Transport Commissioners for Canada, Ottawa, Canada," within seven days from the date of the agreement.

5. Notice of an application to the Board for approval of an agreed charge shall be published in the *Canada Gazette* in the form as set forth in Appendix "B" hereto, unless upon application to the Board variation therefrom is authorized, and shall be forwarded to the King's Printer, Ottawa, Canada, for such publication concurrently with the filing of an application with the Board. Copy of such notice, together with a copy of the agreement, shall be concurrently mailed to the parties listed in Appendix "C" hereof and such others as the Board may from time to time direct. Application for approval shall show the names and addresses of those to whom such notice was sent.

6. Every party desiring specific notice from the Board of date of hearing shall so notify the Board within twenty (20) days from publication of notice in the *Canada Gazette*.

Notice of objection to an agreed charge shall be substantially in the form of Appendix "D" hereof, and shall be submitted to the Board and to the parties to the agreed charge within thirty days from date of publication in the *Canada Gazette*.

7. Agreements, when approved, shall be published and posted in the same manner as required for freight tariffs. Such agreements, when published, shall specifically refer to the Order of the Board by which they were approved. This publication shall be a separate C.T.C. series, consecutively numbered, with prefix "C.T.C. (A.C.) . . .".

APPENDIX "A"

APPLICATION FOR APPROVAL OF AN AGREED CHARGE

To:

SECRETARY,

Board of Transport Commissioners for Canada,
Ottawa, Canada.

Application is hereby made, under the provisions of Part V of the Transport Act, 1938, for approval of the attached agreement executed between

(name of carrier)

and

(name of shipper)

The object to be secured by the making of the said agreement cannot adequately be secured by the publication of special or competitive tariffs conforming to the provisions of the Railway Act or the Transport Act, 1938, for the following reasons:—

Applicants submit relevant data as attachment hereto which detail the factors upon which the agreement was based.

Applicants submit below, or as attachment hereto, a statement in general terms concerning the degree to which its net revenue may be affected by the carriage of the goods under the proposed agreed charge.

Applicants hereto attach copy of notice to the *Canada Gazette*, and certify that copies thereof have been mailed to:—

DATE OF APPLICATION

Applicant

.....

Address

APPENDIX " B "

NOTICE FOR CANADA GAZETTE

(Name of Carrier or Carriers)

(Date).....19....

Pursuant to Part V, Section 35, Subsection 2 of the Transport Act, 1938, notice is hereby given that the

(Insert name of carrier or carriers)

has, have applied to the Board of Transport Commissioners for Canada for approval of an agreed charge executed between the said carrier/s and

(Insert name of shipper)

for the transportation of the undermentioned commodity or commodities at rates and between points stated herein.

Commodity	From	To	Rate Per....
-----------	------	----	--------------

(Signed)

(Title)

(Carrier)

(Address)

APPENDIX " C "

LIST OF INDIVIDUALS OR ORGANIZATIONS TO WHOM COPIES OF
NOTICE (APPENDIX " B ") AND COPIES OF AGREEMENTS
SHALL BE MAILED

1. Brandon Board of Trade.
2. Calgary Board of Trade.
3. Canadian Industrial Traffic League, Toronto, Ont.
4. Canadian Lumbermen's Association, Ottawa, Ont.
5. Canadian Manufacturers' Association, Toronto, Ont.
6. Edmonton Board of Trade.
7. Halifax Board of Trade.
8. Hamilton Chamber of Commerce.
9. Montreal Board of Trade.
10. Moose Jaw Board of Trade.
11. Regina Board of Trade.
12. Saint John Board of Trade.
13. Saskatoon Board of Trade.
14. Toronto Board of Trade.
15. Transportation Commission of the Maritime Board of Trade, Moncton, N.B.
16. Vancouver Board of Trade.
17. Western Manufacturers' Association, 460 Main street, Winnipeg, Man.
18. Winnipeg Board of Trade.
19. To such other companies or organizations known to be engaged in the same line of business, and whose business is located or operated in the same general territory in which the proposed agreed charge is to operate.

NOTE.—While it is desirable to afford as wide publicity as possible, it is not considered necessary to furnish copy of notice or copy of agreement to all those shown herein when the proposed agreed charge is of a local character. Applicants may use their discretion in respect thereto, subject to direction of the Board.

APPENDIX "D"

FORM OF NOTICE OF OBJECTION TO A PROPOSED AGREED CHARGE

To:

SECRETARY,

Board of Transport Commissioners for Canada,
Ottawa, Canada.

Pursuant to Section 35, Subsection 5 of the Transport Act, 1938, notice is hereby given that the undersigned is opposed to the approval of an agreed charge between.....and....., of which notice has been given as required by the Board of Transport Commissioners' regulations and the Transport Act, 1938.

The following is a statement of the grounds of the objection:—

.....

.....

.....

Copies of this notice have been served upon the parties to the agreed charge, and additional copies of this notice will be served upon those whom the Board may direct.

Date:

.....

.....

Name

.....

Address

P.C. 3268

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 4th day of JANUARY, 1939

PRESENT

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 6 of The Transport Act, 1938, reads as follows:—

“6. (1) Every licence issued under this Act shall, subject to the provisions of this Act, be for one year or for such other period as the Board with the approval of the Governor in Council may determine, and a fee shall be payable therefor according to a tariff of fees to be fixed by the Board with the approval of the Governor in Council.

(2) Fees for licences shall be paid to the Receiver General of Canada for the use of His Majesty.”

And whereas Section 13 (1) of Part III of the said Act relating to transport by air, reads as follows:—

“13. (1) The Board may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, licence aircraft to transport passengers and/or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada.”

And whereas the Minister of Transport reports that the Board of Transport Commissioners for Canada has advised that, with respect to carriers licensed under Part III of the said Act to transport passengers and/or goods between specified points and places, the Board considers that the licence fee payable by such carriers should be \$10.00 for each separate route over which the carrier is licensed to operate, with provision that licences may be renewable without payment of an additional fee;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of Section 6 (1) of the Transport Act, 1938, is pleased to approve and doth hereby approve the fixing by the Board of Transport Commissioners for Canada of the fee payable by carriers for the issuance of a licence under Part III of the said Act, permitting aircraft to transport passengers and/or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada at \$10.00 for each separate route which such aircraft may be licensed to follow, provided that on any renewal of such licence no additional fee shall be payable.

E. J. LEMAIRE,

Clerk of the Privy Council.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS, DECEMBER, 1938

Railway accidents.. . . . 81 with 12 killed and 72 injured
 Railway accidents at highway crossings.. . . . 25 with 8 killed and 27 injured

	Killed	Injured
Passengers.. . . .	—	18
Employees.. . . .	1	47
Others.. . . .	19	34
	<u>20</u>	<u>99</u>

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents	K.	I.	NOVA SCOTIA
1	—	1	Automobile—Automobile ran into side of train. Licence, N.S. 71-877.
1	—	2	Automobile—Automobile ran into side of train. Licence, N.S. 63-530.
1	—	1	Automobile—Automobile ran into side of train. Licence, N.S. 70-954.
1	1	—	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, N.S. 54418.
QUEBEC			
1	—	1	Automobile—Automobile crashed through crossing gates in lowered position, and ran on to crossing in front of approaching train and was struck. Licence, Que. 6979.
1	—	1	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Que. F-16408.
1	—	1	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Que. L-8182.
ONTARIO			
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 8-D-294.
1	—	2	Automobile—Automobile ran into side of train. Licence, Ont. 72-R-15.
1	—	1	Automobile—Automobile ran into side of train. Licence, Ont. 6-A-556.
1	—	1	Automobile—Automobile ran into side of train. Licence, Ont. 33-V-43.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 70-R-93.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 17-N-39.
1	—	2	Automobile—Automobile skidded on to crossing in front of approaching train and was struck. Licence, Ont. 840-N-7.
1	1	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Ont. 1-H-319.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching electric car and was struck. Licence, Ont. D-2817.
1	2	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Ont. 7-M-97.
1	3	—	Automobile—Driver of automobile disregarded bell and wig-wag signals; drove on to crossing in front of approaching train and was struck. Licence, Ont. W-4446.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 5-L-264.
1	—	1	Automobile—Driver of automobile attempting to beat train, drove on to crossing in front of approaching train and was struck. Licence, Ont. 47-E-75.
SASKATCHEWAN			
1	—	1	Automobile—Automobile ran into side of train. Licence, Sask. 62-508.
1	—	3	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Sask. 2547.
1	—	1	Auto Taxi—Auto taxi ran into side of train. Licence, Sask. L-75.
ALBERTA			
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Alta. 18-239.
1	1	—	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Alta. 51484.

Of the 25 accidents at highway crossings, 20 occurred at unprotected crossings, and 5 at protected crossings. Nine of the accidents occurred after sunrise, and 16 occurred after sunset.

February 8, 1939.

SUMMARY OF ORDERS ISSUED BY THE BOARD

56915. Dec. 30—Authorizing the C.N.R. to remove station agent at Anson, Ont.
56916. Jan. 3—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
56917. Jan. 3—Authorizing the Dept. of Highways for Ontario to construct a level crossing for dual highway from Sarnia Bridge over the C.N.R. just north of Exmouth Park, Point Edward, Ont., over the main line tracks of the C.N.R. and over spur serving Holmes Foundry Co.
56918. Jan. 3—Declaring the C.N.R. crossing at mileage 81·55 Sydney Subdv., protected to Board's satisfaction.
56919. Jan. 3—Approving proposed location of storage tanks, etc., of the McColl-Frontenac Oil Co., Ltd., near tracks of C.N.R. at Exeter, Ont.
56920. Jan. 4—Declaring the C.N.R. crossing at mileage 84·10 Mulgrave Subdv., protected to Board's satisfaction.
56921. Jan. 4—Approving service station contract between the Bell Telephone Co. and the Hydro-Electric Power Commission of Ontario.
56922. Jan. 4—Approving revised appendix to traffic agreement between the Long Lac Telephones, Ltd., and the Bell Telephone Co.
56923. Jan. 4—Declaring the C.P.R. crossing at mileage 27·4 Maniwaki Subdv., protected to Board's satisfaction.
56924. Jan. 4—Declaring the C.P.R. crossing of St. Maurice St., Three Rivers, Que., protected to Board's satisfaction.
56925. Jan. 4—Authorizing the C.P.R. to construct branch line and spur tracks for the Canada Cement Co., Ltd., Hull, Que.
56926. Jan. 4—Approving supplement to traffic agreement between the Bell Telephone Co. and Stanislas Lussier.
56927. Jan. 3—Authorizing the C.N.R. to reconstruct timber trestle at mileage 65·4 Wabamun Subdv., Alberta.
56928. Jan. 9—Approving proposed location of storage tanks, etc., of the McColl-Frontenac Oil Co., Ltd., on the New York Central Railroad at Leamington, Ont.
56929. Jan. 4—Declaring the C.P.R. crossing at mileage 157·7 Quebec Subdv., protected to Board's satisfaction, etc.
56930. Jan. 5—Approving under Maritime Freight Rates Act, tolls published in supplements and tariff filed by the C.P.R. under Sec. 9.
56931. Jan. 5
56932. Jan. 5
56933. Jan. 5—Authorizing the City of Fort William and Municipality of Neebing to lower the height of the protection fence on Neebing Avenue crossing the C.N.R. tracks at what was formerly Empire Avenue.
56924. Jan. 5—Approving proposed location of tanks, etc., of the McColl-Frontenac Oil Co., Ltd., adjacent to the Grand River Railway at Kitchener, Ont.
56935. Jan. 6—Amending Order No. 56054 dated June 17, 1938, to provide for costs and maintenance of bells and wigwags.
56936. Jan. 6—Amending Order No. 55403 dated Jan. 3, 1938, to provide for costs and maintenance of bells and wigwags.
56937. Jan. 6—Declaring the C.N.R. crossing at mileage 14·20 Haliburton Subdv., protected to Board's satisfaction, etc.
56938. Jan. 9—Approving proposed location of storage tanks, etc., of Mecca Oil Company at mileage 113·95 Cornwall Subdv., of the C.N.R.
56939. Jan. 9—Approving proposed location of storage tanks, etc., of the British American Oil Co., Ltd., adjacent to C.N.R., at Shellbrook, Sask.
56940. Jan. 9—Approving revised appendix to traffic agreement between Bell Telephone Co. and La Compagnie de Telephone Portneuf et Champlain.
56941. Jan. 9—Extending time within which extension to branch line may be constructed as required by Order No. 56339 dated Aug. 25, 1938.
56942. Jan. 6—Authorizing the Dept. of Highways for Ontario to construct a highway crossing over the C.N.R. near Port Colborne, Ont.
56943. Jan. 6—Requiring the C.P.R. to install one wigwag and bell at crossing of Highway No. 4 at McAdam, N.B.
56944. Jan. 6—Authorizing the C.P.R. to construct a highway crossing at mileage 0·59 Shogomoc Subdv., N.B.
56945. Jan. 9—Approving proposed location of storage tank, etc., of McColl-Frontenac Oil Co., Ltd., near the C.N.R. at Norwich, Ont.
56946. Jan. 11—Approving tariffs covering rates of Bell Telephone Co. at Bracebridge and Huntsville, Ont., etc.
56947. Jan. 11—Authorizing the C.N.R. to use and operate bridge at mileage 113·4 Viking Subdv., Alta.
56948. Jan. 11—Approving plan showing certain changes in length of operating circuit of signal installed at crossing of Howard Ave., by the C.P.R. at Lake Shore Junction.

- 56949. Jan. 11—Authorizing Dept. of Highways for Ontario to construct and maintain a highway crossing at grade over the C.N.R. at mileage 107·1 from Nakina, Ont.
- 56950. Jan. 11—Declaring the C.N.R. crossing at mileage 40·69 Uxbridge Subdv. protected to Board's satisfaction.
- 56951. Jan. 12—Declaring the C.P.R. crossing at mileage 11·14 Aldersyde Subdv., protected to Board's satisfaction.
- 56952. Jan. 12—Approving revised Appendix to traffic agreement between the Bell Telephone Co. and the Capreol Telephone Co. Ltd.
- 56953. Jan. 12—Declaring the C.N.R. crossing at mileage 52·8 Drumheller Subdv., protected to Board's satisfaction.
- 56954. Jan. 12—Declaring the C.N.R. crossing at mileage 118·73 Cayuga Subdv., protected to Board's satisfaction.
- 56955. Jan. 13—Declaring the New York Central Railroad crossing of Provincial Highway No. 3, known as Talbot Road crossing, Maidstone, Ont., protected to Board's satisfaction.
- 56956. Jan. 12—Approving revised Appendix to traffic agreement between the Bell Telephone Co., and the Commissioners for the Telephone System of the Municipality of the Township of Flos.
- 56957. Jan. 14—Declaring the C.P.R. crossing at mileage 7·30 Winchester Subdv., protected to Board's satisfaction.
- 56958. Jan. 13—Authorizing the C.N.R. and the C.P.R. to operate their trains under the bridge over their Brampton and Galt Subdvs. on Dundas St., Toronto, Ont.
- 56959. Jan. 13—Authorizing the C.P.R. to operate bridge at mileage 15·23 Parry Sound Subdv., Ontario.
- 56960. Jan. 13—Authorizing the C.N.R. to reconstruct bridge over Embarras River, mileage 0·7 Mountain Park Subdv., Alta.
- 56961. Jan. 10—Amending Order No. 44466 dated March 20, 1930, to provide that wigwags be operated from the tower on top of station between certain hours, etc.
- 56962. Jan. 14—Declaring the C.N.R. crossing at mileage 31·80 Lakefield Subdv., protected to Board's satisfaction.
- 56963. Jan. 16—Authorizing the Dept. of Mines and Fisheries for Quebec to construct a highway crossing over the C.N.R. Senneterre-Rouyn Branch at mileage 99·4.
- 56964. Jan. 14—Relieving the Wabash Railway Co. from posting certain tariffs at stations at which the population is not over 2,000, etc.
- 56965. Jan. 14—Authorizing with the approval of the Governor in Council an additional amount of \$2,848.98 towards the cost of construction of subway under C.N.R. near Elphinstone, Man.
- 56966. Jan. 14—Amending Order No. 56518 dated October 8, 1938, to provide for contribution for additional cost of reconstructing the highway disturbed by reason of the reconstruction of the subway.
- 56967. Jan. 14—Approving supplement to traffic agreement between the Bell Telephone Co. and the Temiskaming & Northern Ontario Railway Commission.
- 56968. Jan. 14—Declaring the C.N.R. crossing first west of Mariposa Station, Ont., protected to Board's satisfaction, etc.
- 56969. Jan. 14—Authorizing the C.N.R. to reconstruct bridge over the Portneuf River at mileage 29·7, La Tuque Subdv., Que.
- 56970. Jan. 16—Declaring the C.N.R. crossing at mileage 115·7, Sudbury Subdv., protected to Board's satisfaction.
- 56971. Jan. 16—Declaring the C.N.R. crossing at mileage 62·75 Bedford Subdv., protected to Board's satisfaction.
- 56972. Jan. 16—Authorizing the C.N.R. to operate on the yard track leads on the subway at Victoria Park Ave., Toronto, Ont.
- 56973. Jan. 16—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 56974. Jan. 16—Authorizing the C.N.R. and C.P.R. to operate over the subway at Mann Ave., Ottawa, Ont.
- 56975. Jan. 17—Extending time within which bell and wigwag may be installed as required by Order No. 56406 dated Sept. 13, 1938.
- 56976. Jan. 18—Extending time within which bell and wigwag may be installed as required by Order No. 56353 dated August 27, 1938.
- 56977. Jan. 16—Approving plans showing general layout and details of C.N.R. trackage at site of proposed Dorchester St. terminal, Montreal, Que.
- 56978. Jan. 18—Declaring the C.P.R. crossing at mileage 122·6 Keewatin Subdv., protected to Board's satisfaction.
- 56979. Jan. 18—Extending time within which bell and wigwag may be installed as required by Order No. 56387, dated Sept. 6, 1938.
- 56980. Jan. 19—Approving individual revised sheets of the Toll Rate and Route Guide C.T.C. No. 6668 and First Reference Lists C.T.C. No. 6652 of the Bell Telephone Co.

- 56981. Jan. 21—Suspending 8th Revised Page 135 of C.N.R. Tariff C.T.C. No. E-1694 published to be effective January 23, 1939.
- 56982. Jan. 20—Authorizing the Grand River Railway Co. and the C.N.R. to operate their trains over crossing of their respective railways at Beverley St., Galt, Ont., without their first being brought to a stop.
- 56983. Jan. 20—Authorizing the Lake Erie & Northern Railway Co., the C.N.R., and the T.H. & B. Rly. Co., to operate their trains over crossings of their respective railways in the City of Brantford, Ontario.
- 56984. Jan. 18—Requiring the C.N.R. to install wigwag signals at crossings of the highways at mileage 100.03 and 100.33 Cayuga Subdivision, etc.
- 56985. Jan. 19—Declaring the C.N.R. crossing of Vinet St., Montreal, protected to Board's satisfaction.
- 56986. Jan. 20—Approving plan showing crossing of First St., E., by the C.N.R. at Warspite, Alta.
- 56987. Jan. 19—Authorizing the C.N.R. to remove the station agent at Lanfine, Alta., subject to certain conditions.
- 56988. Jan. 21—Approving under Maritime Freight Rates Act, toll published in supplement to tariff filed by the C.N.R. under Sec. 3.
- 56989. Jan. 20—Declaring C.P.R. crossing on Town Line just north of Orangeville, Ont., satisfactorily protected so long as speed limitation of 10 miles an hour is maintained.
- 56990. Jan. 23—Declaring C.N. Rys. crossing, first west of Bienfait, Sask., protected to Board's satisfaction.
- 56991. Jan. 24—Declaring C.N. Rys. crossing north of Sydney Station, N.S., protected to Board's satisfaction.
- 56992. Jan. 23—Authorizing R.M. of Bjorkdale No. 426, Sask., to construct highway crossing over C.N. Rys. between Secs. 15 and 16-45-10 W2M.
- 56993. Jan. 21—Approving revised Appendix "A" to agreement between Bell Telephone Co., and J. J. Vogan, Prop. Kaladar & Northern Tel. System.
- 56994. Jan. 24—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by C.N. Rys under Sec. 3.
- 56995. Jan. 25—Approving under Maritime Freight Rates Act tolls published in tariff filed by Temiscouata Ry. under Sec. 9.
- 56996. Jan. 23—Declaring Essex Terminal Ry. crossing of Dougall Avenue, Windsor, Ont., protected to Board's satisfaction.
- 56997. Jan. 23—Authorizing C.P.R. and Pere Marquette Rys. to operate through interlocking plant at Chatham, Ont.
- 56998. Jan. 25—Authorizing C.P.R. to operate under overhead bridge at Westminster Avenue, Montreal West, Que.
- 56999. Jan. 25—Authorizing C.P.R. to use and operate bridge over Highway No. 5, mileage 66.6 Megantic Subd'n, Que.
- 57000. Jan. 25—Authorizing C.N. Rys. to operate under bridge on Connaught Place, Ottawa, Ont.
- 57001. Jan. 27—Declaring southbound traffic at crossing of C.P.R., first north of Pinto Station, Sask., protected to Board's satisfaction.
- 57002. Jan. 26—Authorizing C.N. Rys. to use and operate bridge at mileage 56.8 Qu'Appelle Subdv., Sask.
- 57003. Jan. 26—Authorizing C.N. Rys. to use and operate bridge at mileage 10.4 Q'Appelle Subdv., Sask.
- 57004. Jan. 27—Extending until May 15, 1939, time within which C.P.R. may install bells and wigwags at crossing of Highway No. 69, Lot 36, Con. 12, Tp. McDougall, Dist. Parry Sound, Ont.
- 57005. Jan. 26—Approving agreement between Bell Telephone Co., and the Harrietsville Telephone Ass'n, Ltd.
- 57006. Jan. 26—Approving By-law No. 2 of Trans-Canada Air Lines designating parties authorized to prepare and issue tariffs of tolls.
- 57007. Jan. 27—Authorizing C.N. Rys. to discontinue station at Alford, Ont., and to remove shelter.
- 57008. Jan. 27—Authorizing C.N. Rys. to discontinue Windmill Point, Ont., as a flag stop for trains Nos. 218 and 219.
- 57009. Jan. 30—Approving Standard Passenger Tariff No. 2 of Trans-Canada Air Lines.
- 57010. Jan. 30—Approving by-law of Arrow Airways Limited designating parties authorized to issue tariffs of tolls.
- 57011. Jan. 30—Declaring C.P.R. crossing of Mill Street, Milverton, Ont., protected to Board's satisfaction.
- 57012. Jan. 30—Approving location of storage tank of British American Oil Co., Ltd., at North Bay, Ont., adjacent to C.P.R.
- 57013. Jan. 30—Declaring C.N. Rys. crossing of Water Street, Peterboro, Ont., satisfactorily protected so long as speed limitation of 10 miles an hour is maintained and switching movements flagged by a member of the crew.

- 57014. Jan. 30—Declaring C.N. Rys. crossing, first east of Richmond Station, Que., satisfactorily protected so long as speed limitation of 10 miles an hour is maintained.
- 57015. Jan. 30—Approving location of tank car unloading rack, etc., of McColl-Frontenac Oil Co., Ltd., Haliburton, Ont. (C.N. Rys.).
- 57016. Jan. 30—Declaring C.N. Rys. crossing of Hunter Street, Hamilton, Ont., satisfactorily protected so long as speed limitation of 10 miles an hour is maintained.
- 57017. Jan. 31—Declaring C.P.R. crossing of Allowance Ave., Medicine Hat, Alta., satisfactorily protected so long as speed limitation of 10 miles an hour is maintained.
- 57018. Jan. 31—Approving location of storage tank of McColl-Frontenac Oil Co., Ltd., at Regina, Sask. (C.P.R.)
- 57019. Jan. 31—Approving location of pipe lines, etc., of Imperial Oil, Ltd., at Cobourg, Ont. (C.N. Rys.)
- 57020. Jan. 30—Approving location of pipe lines, etc., of Champlain Oil Products, Ltd., at Dolbeau, Que. (C.N. Rys.)
- 57021. Jan. 31—Approving agreement between Bell Telephone Co., and Wilfred Thomas Smith, Prop. of Laurel Telephone System.
- 57022. Jan. 31—Approving Supp. 2 to service station contract between Bell Telephone Co., and Fairview Telephone Co., Ltd.
- 57023. Jan. 31—Authorizing C.N. Rys. to remove shelter at Silver Creek, Ont., and discontinue such point as a flag stop.
- 57024. Jan. 31—Authorizing C.N. Rys. to remove station agent at Leitches Creek, N.S. (Caretaker to be appointed and telephone to be installed in station).



The Board of

Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXVIII

Ottawa, March 1, 1939

No. 25

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Application of the Canadian Pacific Railway Company for a Ruling of the Board with respect to the "Joint Premises at Ottawa," as covered by paragraph 39 of Agreement, dated September 16, 1918, between the Ottawa Terminals Railway Company, the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company, and the matter of switching of empty cars between the Joint Premises at Ottawa and the Applicant Company's Yard at Ottawa West.

(Case No. 415)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was heard at Ottawa on January 24, 1939, in the presence of counsel for the Applicant Company and of the Canadian National Railways.

On 16th September, 1918, an agreement was made between the Ottawa Terminals Railway Company, the Grand Trunk Railway Company of Canada, and the Canadian Pacific Railway Company, in respect of the joint use of the Central Union Passenger Station premises and tracks leading thereto and used in connection therewith, as shown coloured red upon the plan attached to the said agreement. By Section 39 of the said agreement, it was provided, as follows:—

"39. The portion of all expenses of maintenance and operation of the Joint Premises (except the coach yards) to be borne by the Canadian Pacific shall be that which the number of engines and cars of the Canadian Pacific entering into or departing from the Joint Premises bears to the total number of engines and cars entering into or departing therefrom. Provided that engines and cars comprised in through trains entering into and departing from the Joint Premises shall be counted once only and that engines engaged in switching cars and such cars and also engines and empty cars moving to and from engine houses or terminal yards of either of the parties hereto, and situate at any point in the Ottawa Terminal District from or to the Joint Premises shall not be counted. Provided also that movements of freight cars in and out of the freight yard of the Grand Trunk adjacent to the Joint Premises over and across a portion of the Joint Premises by means of the existing cross-overs in the vicinity of Hurdman Road or such other cross-overs as may be substituted therefor in the event of any future rearrangement of the tracks, shall not be counted

in the total of engines and cars entering into and departing from the Joint Premises. Except as herein provided, engines and cars entering the Joint Premises shall be counted once, and engines and cars departing therefrom shall be counted once. The proportion of the expense of maintenance and operation of the said coach yards, including car cleaning and all supplies ordinarily handled by coach yard staffs, except as herein otherwise provided, to be borne by the Canadian Pacific shall be such as the number of Canadian Pacific cars handled in said yards bears to the whole number of cars handled therein for all railway companies using the Joint Premises; provided, however, that such coach yard expenses shall not include car repairing staff other than inspectors and that ordinary running repairs to Canadian Pacific equipment shall be performed by the Grand Trunk at cost of labour plus ten per cent and cost of material plus fifteen per cent."

And by Section 44 of the said agreement, it was provided, as follows:—

"44. In case any dispute or difference arises between the parties hereto in respect of any matter in this agreement mentioned a settlement whereof is not otherwise herein provided for, it is mutually agreed by the parties hereto that the matter which may at any time be the subject of controversy shall be promptly referred to and determined by the Board, whose decision shall be final and binding upon the parties hereto."

The question now at issue between the two railway companies above named is as to the proper interpretation to be placed upon that portion of Section 39 in respect of the movement of empty cars from the Joint Premises at Central Union Station to the Applicant Company's yard at Ottawa West. Although the application is in respect of "empty cars," the case which was developed at the hearing was solely in reference to passenger cars. The movement of freight cars did not arise upon the hearing of the application. The distance from the Union Station to the yard at Ottawa West is, approximately, four miles. I would call attention to the specific provisions of Section 39 in respect to the movement of such passenger cars. They may be summarized as follows:—

1. Provided that engines and cars comprised in through trains entering into and departing from the Joint Premises shall be counted once only;
2. That engines engaged in switching cars, and such cars, shall not be counted;
3. And also, engines and empty cars moving to and from engine houses or terminal yards of either of the parties hereto shall not be counted.

The above proviso, No. 1, mentions "through" trains, and I take this to mean trains which pass through the Ottawa Station to some point beyond the Joint Premises. It was stated by counsel for the Applicant Company that the movement of empty cars from the Joint Premises to the yard at Ottawa West by means of switching engines, or other engines employed for the purpose, is a very expensive movement involving mileage of about eight miles back and forth at a cost of something like \$7 per movement. In order to avoid this heavy expense it has been the practice of the Applicant Company to attach empty cars to its regular trains for the purpose of moving them from the Joint Premises to the Ottawa West yard and vice versa. This system has been adopted by the Applicant Company as a matter of economy and convenience.

From the date of the said agreement until the year 1931 the uniform practice as between the two railway companies was to count all empty cars which were moved as part of passenger trains from the Joint Premises to the yard at Ottawa West. But, in the year 1931, a mutual arrangement was arrived at between the two railway companies whereby all such empty cars which were

attached to passenger trains from the Joint Premises to Ottawa West for repairs, or to have storm windows placed thereon or removed therefrom, were counted in the first instance and afterwards deducted from the monthly account. This arrangement made in 1931 has been carried out until the present time.

The Applicant Company states that in December, 1936, it was brought to the attention of the company by one of its auditors, that the practice of counting empty cars which formed part of regular passenger trains, but which were only moved to or from the Joint Premises to Ottawa West yard, was contrary to the provisions of Section 39 of the agreement and that such cars should not be counted. The present application is for an Order of the Board to this effect. The Applicant Company does not ask that there be any accounting in this respect beyond December, 1935, and is willing that the accounts for the movement of cars between the years 1918 and 1935 should not be reopened.

In my opinion, the only passenger equipment which should not be counted is that which has been moved by switching engines of the Applicant Company, or that which has been moved by an engine of the Applicant Company hauling empty passenger cars only. I think all empty cars moving between the Joint Premises and Ottawa West yard attached to regular trains of the Applicant Company should be counted once, under the terms of Section 39 of the agreement. But cars which are being moved between Ottawa West yard and the Joint Premises for repairs, or to have storm windows attached or removed, should be deducted from the account in accordance with the practice which has prevailed since 1931, as above mentioned. While, no doubt, the practice of attaching these empty cars to passenger trains affords a considerable saving to the Applicant Company, I am of opinion that under the terms of Section 39 of the agreement the Applicant Company cannot move its empty cars by means of passenger trains without having them counted, as provided in the said section. And so long as the agreement continues in force between the said companies, I think all empty cars moved by regular passenger trains of the Applicant Company, except such cars as are moved for repairs, should be counted once.

An Order of the Board should be made to this effect.

January 31, 1939.

GARCEAU, DEPUTY CHIEF COMMISSIONER

The first sentence of Section 39 of the agreement applies in this instance; that proviso makes no distinction between cars, whether empty or not, entering or leaving the Joint Premises; they must all be counted. I concur in the conclusions of the above judgment.

February 4, 1939.

Commissioners Stoneman and Stone concurred.

Application of the Canadian Pacific Railway Company for a Ruling of the Board with respect to the "Joint Premises at Ottawa," as covered by paragraph 39 of Agreement, dated September 16, 1918, between the Ottawa Terminals Railway Company, the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company, and the matter of switching of empty cars between the Joint Premises at Ottawa and the Applicant Company's Yard at Ottawa West.

(Case No. 415)

WARDROPE, ASSISTANT CHIEF COMMISSIONER:

(Dissenting)

The facts are as fully set forth in the judgment of the Chief Commissioner. With the greatest respect, I find I am unable to agree with the learned Chief

Commissioner's interpretation of the wording of Section 39 in so far as it applies to the point in dispute, namely, whether the Canadian Pacific Railway Company by picking up empty cars on a regular through train at the Ottawa West yards and bringing them into the Joint Terminal or, reversely and in the same manner, taking them from the Joint Terminal to their Ottawa West yards and dropping them there, should be charged for the same under the terms of the agreement referred to, and in particular Section 39 thereof. Let me repeat Section 39:—

"39. The portion of all expenses of maintenance and operation of the Joint Premises (except the coach yards) to be borne by the Canadian Pacific shall be that which the number of engines and cars of the Canadian Pacific entering into or departing from the Joint Premises bears to the total number of engines and cars entering into or departing therefrom. Provided that engines and cars comprised in through trains entering into and departing from the Joint Premises shall be counted once only and that engines engaged in switching cars and such cars and also engines and empty cars moving to and from engine houses or terminal yards of either of the parties hereto, and situate at any point in the Ottawa Terminal District from or to the Joint Premises shall not be counted. Provided also that movements of freight cars in and out of the freight yard of the Grand Trunk adjacent to the Joint Premises over and across a portion of the Joint Premises by means of the existing cross-overs in the vicinity of Hurdman road or such other cross-overs as may be substituted therefor in the event of any future rearrangement of the tracks, shall not be counted in the total of engines and cars entering into and departing from the Joint Premises. Except as herein provided, engines and cars entering the Joint Premises shall be counted once, and engines and cars departing therefrom shall be counted once. The proportion of the expense of maintenance and operation of the said coach yards, including car cleaning and all supplies ordinarily handled by coach yard staffs, except as herein otherwise provided, to be borne by the Canadian Pacific shall be such as the number of Canadian Pacific cars handled in said yards bears to the whole number of cars handled therein for all railway companies using the Joint Premises; provided, however, that such coach yard expenses shall not include car repairing staff other than inspectors and that ordinary running repairs to Canadian Pacific equipment shall be performed by the Grand Trunk at cost of labour plus ten per cent and cost of material plus fifteen per cent."

That part of Section 39 as follows:—

"The portion of all expenses of maintenance and operation of the Joint Premises (except the coach yards) to be borne by the Canadian Pacific shall be that which the number of engines and cars of the Canadian Pacific entering into or departing from the Joint Premises bears to the total number of engines and cars entering into or departing therefrom. Provided that engines and cars comprised in through trains entering into and departing from the Joint Premises shall be counted once only and that engines engaged in switching cars and such cars and also engines and empty cars moving to and from engine houses or terminal yards of either of the parties hereto, and situate at any point in the Ottawa Terminal District from or to the Joint Premises shall not be counted,"

in so far as it relates to the matter in question, would seem to contemplate two movements, firstly, the movements to be charged against the Canadian Pacific Railway Company and, secondly, those exceptions not to be charged.

I think that regardless of what customs or practices have come into being between the two railways with regard to the counting of cars, or what variations

they may care to make in the future, we are only concerned with the interpretation of the meaning of Section 39 in so far as it relates to the matter in dispute. It is my opinion that here, where there is a possibility of ambiguity, the well-known principle that a fair, large, and liberal interpretation should be applied so as to give effect to what would seem to have been the original intentions of the framers of the section, and the agreement of the parties thereto. The exception clauses in Section 39, to my mind, are wide and would seem to include just such a manner of shifting empty cars within the area defined as has been done by the Canadian Pacific Railway Company for some time. The nearest approach to my mind whereby these cars could legitimately be counted against the Canadian Pacific Railway Company is contained in the clause in Section 39, provided,—

“that engines and cars comprised in through trains entering into and departing from the Joint Premises shall be counted once only;”

with due deference I submit that the meaning to be attached to “engines and cars comprised in through trains” means exactly what it says, namely, the engine and all the cars that comprise a through train going from A to destination beyond the Ottawa Terminal District limits. In my opinion, also, the attached empties should not be construed as being part of a through train which after dropping them at the yards then carries on to its appointed destination; similarly, if these empties are picked up at the Ottawa West yards by what is known as a through train and brought into the Joint Terminal, they surely cannot be said to have been part of the consist of that through train. The Canadian National Railways state that they are perfectly willing to exclude such empties from the count provided they are switched between the Joint Terminal and the Ottawa West yards, or, reversely, by a switch engine. This, of course, entails additional expense to the Canadian Pacific Railway Company and, incidentally, no increased revenue to the Canadian National Railways.

I do not believe that it was ever the intention of this section that because the applicant company has found a more economical and less laborious method of effecting the transfer of these empties to and from the Joint Terminal and the Ottawa West yard (which I still consider to be a switching movement to be excepted within the wide exceptions set forth in Section 39 under a fair and reasonable interpretation thereof) that the said company should be penalized to the extent of having these empties counted against them.

I would say further, that the exempting clause, viz., “and also engines and empty cars moving to and from engine houses or terminal yards of either of the parties hereto shall not be counted,” does not to my mind of necessity mean that in order that an empty car being moved within the Joint Terminal District shall not be counted it must necessarily be coupled to a switching engine and not moved by any other method. I would suggest that it contemplates a movement of an empty car within the confines of the stated area—a car that is not an immediate revenue producing car, and a car that is being temporarily shifted therein preparatory to its next period of actual service—when it will be counted.

I would therefore uphold the contention of the applicant company that by virtue of the terms of the agreement empty cars moved by them in the manner stated should not be counted for the purpose of arriving at the ratio of costs to be apportioned between the Canadian National Railways and the Canadian Pacific Railway Company under the said agreement; and I would further suggest an order of the Board go—“that according to the true intent and meaning of the agreement, and in particular Section 39 thereof, empty cars moving between the Joint Premises and Ottawa West yards, or in the reverse direction, should not be counted whether moved by switching engines or by other means, and that

the Canadian National Railways should adjust the accounts in accordance with the rule for such period as may be proper according to the practice prevailing between the two companies.

February 2, 1939.

ORDER No. 57057

In the matter of the application of the Canadian Pacific Railway Company for a ruling of the Board with respect to the "Joint Premises at Ottawa," as covered by paragraph 39 of an agreement dated September 11th, 1918, between the Ottawa Terminals Railway Company, the Grand Trunk Railway Company of Canada, and the Canadian Pacific Railway Company; and the matter of switching of empty cars between the joint premises at Ottawa and the Canadian Pacific Railway Company's yard at Ottawa West.

Case No. 415

FRIDAY, the 10th day of February, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa, January 24, 1939, in the presence of Counsel for the Canadian Pacific Railway Company and the Canadian National Railways, and what was alleged—

It is declared that the movement of all empty cars between the "Joint Premises at Ottawa" and Ottawa West Yard, attached to regular trains of the Canadian Pacific Railway Company, should be counted according to the true intent and meaning of Section 39 of the said agreement dated September 11, 1918, between the Ottawa Terminals Railway Company, the Grand Trunk Railway Company of Canada, and the Canadian Pacific Railway Company; but cars which are being moved between Ottawa West Yard and the "Joint Premises" for repairs, or to have storm windows attached or removed, should be deducted from the account in accordance with the prevailing practice.

H. GUTHRIE,
Chief Commissioner

Application of the Railway Association of Canada for an order rescinding General Order No. 52, dated November 22nd, 1909, concerning the weighing of bituminous coal shipped from the United States destined to points in Ontario.

Case No. 3625.

JUDGMENT

WARDROPE, ASSISTANT CHIEF COMMISSIONER:

This application was heard at Toronto on November 23rd, 1938, in the presence of representatives of the railway companies, Canadian Retail Coal Dealers' Association, Inc., the Canadian Manufacturers' Association and the

Toronto Board of Trade. The Canadian Manufacturers' Association and the Toronto Board of Trade, not having received a copy of the application when it was filed with the Board, were granted permission to make subsequent written submissions, sending copy to the applicant for its reply thereto. The Toronto Board of Trade filed its submissions on January 4th; the Canadian Manufacturers' Association under date of January 9th, and the Railway Association made reply thereto under date of January 26th. The J. B. Mustard Coal Co., Goderich, and the Empire Coal Co. Ltd., Toronto, also filed written submissions, dated December 23rd and 28th, respectively.

This matter was before the Board in 1909. Prior to that time, with respect to coal shipped from the United States into Canada, it had been the custom for the Canadian railways and the consignees to accept the waybill of the U.S. carriers as giving the correct weight, and no weighing of such coal had been done in Canada by the Canadian railways. Evidence was then given by coal dealers showing that in numerous instances there were substantial discrepancies between the billed weight and that obtained by weighing over wagon scales at destination, the latter figure showing shortages ranging from a few hundred pounds to two or three tons per car. On the other hand, sometimes the destination weighing showed a greater weight than the billed weight. At that time it was stated by the coal dealers that many cars were sidetracked and delayed en route for long periods of time, and it was alleged that pilferage by railway employees and others took place. Where these shortages occurred, the consignees were compelled to pay for coal not delivered to them as well as freight charges and duty thereon. The Board considered sufficient evidence had been given to justify some action, and, consequently, issued General Order No. 52, providing, with respect to bituminous coal shipped from United States for final delivery at a point in Ontario:—

(1) That, upon the request of consignees, railways were required to weigh the cars at ports of entry free of charge under the supervision of Government officials;

(2) That, upon the request of consignees, railways were required to weigh cars at destination, if there were a weigh scale there, or, if not, at weigh scale point nearest destination, for which service the railway might collect from consignee 5 cents per ton, with a minimum of \$1 and a maximum of \$2 per car, but no charge should be made if the weight of the coal be more than 500 pounds less than the weight at the port of entry or more than 500 pounds less than the weight at the time of shipment if car was not weighed at port of entry;

(3) That, upon the request of consignees, the railways were required to weigh the empty car after unloading, if the destination is a weigh-scale point, and, for such service, might collect from the consignee \$1 per car, except that no such charge should be made if the actual weight of the car exceeds the tare marked on it by more than 500 pounds.

There is nothing before us showing the extent to which coal dealers in Ontario availed themselves of the provisions of the Order following its issuance. In 1918, the railways stated the weighing of coal under the provisions of the Order was causing congestion at ports of entry, especially during the winter months, and suggested that the Order be rescinded or at least suspended for the winter months. The Board at that time made some investigation and found just a small percentage of the cars was being weighed at the ports of entry upon the request of consignees, and, consequently, declined to modify its Order. At the hearing in Toronto, no data were submitted showing results of weighing under the provisions of the Order for any full year except 1937.

The case for the applicant may be summarized as follows: General Secretary Riddell, of the Railway Association of Canada, filed a statement giving certain data concerning bituminous coal from United States via Ontario ports of entry

to stations in Ontario moving via Canadian National, Canadian Pacific and Michigan Central Railroads during the year 1937, viz:—

<u>Total cars entering</u>		<u>Cars re-weighed at border Under General Order No. 52</u>	
13,770		1,794=13% of total entering	
<u>Billed weight of cars re-weighed</u>	<u>Border weight of cars re-weighed</u>	<u>Net underweight</u>	<u>Average net underweight per car</u>
<u>pounds</u>	<u>Pounds</u>	<u>Pounds</u>	<u>Pounds</u>
173,024,759	172,583,349	441,410	246
96,446 average per car	96,200 average per car	$\frac{1}{4}$ of 1% of billed weight	

Based on an average underweight of 246 pounds per car, the average reduction in Canadian freight charges would be, per car, 18 cents or per ton .375 cents.

This shows that the consignees of only 13 per cent of the total movement had requested weighing at the port of entry, and there had been no request for the weighing of the balance, viz., 87 per cent. The customs duty on bituminous coal is 75 cents per ton, and, based on an average of 246 pounds per car, means a possible recovery averaging 9 cents a car in customs duty, which, added to the 18 cents average reduction in freight charges, would amount to 27 cents a car. On the other hand, the port of entry weighing in a great many cases increased the billed weight, sometimes by a substantial amount, and as the weighing is done under the supervision of a Customs Department official, if the weight is increased and additional duty and freight charges assessed to the extent of the increased weight, it may be that the total result would provide little net gain or recovery by consignees, which possibly accounts for such a small percentage of the traffic being weighed at ports of entry upon consignee's request. It was stated there were very few cases where request is made by consignees for re-weighing at destination or weigh scale point nearest thereto, or where they request weighing of the empty car after unloading under the second or third provisions of the Order earlier referred to herein. No actual cost study was submitted with respect to switching cost in performing the weighing, but it is common knowledge that there has been a very substantial increase in the cost of railway operations generally since 1909. It was stated that frequently the weighing involves holding a car for a day at port of entry at per diem cost of \$1 per car, whereas, in 1909, the per diem charge was only 25 cents. It was asserted that there are no longer delays in transit and pilferage such as given in evidence as existing in 1909, and this was not disputed by those opposing the application.

It was further pointed out that this free re-weighing service, without any qualification or consideration of tolerance, is provided only on bituminous coal, and only on that coal when it moves through ports of entry in Ontario to destinations in the Province of Ontario. It does not apply on coal moving into or between points in any other province in Canada, nor with respect to any other commodity. There is no similar arrangement anywhere else. All other regulations provide for a re-weighing service without charge only when the difference in weight of the load is found to be more than the tolerance which is published in the tariff. Tolerance is defined as the difference in weights due to variations in scales or weighing which may be permitted without correction of the billed

weight. In the United States, the following tolerance rule governs, and was approved by the Interstate Commerce Commission after consideration of protests with respect thereto, (192 I.C.C., 71):—

“The tolerance shall be one per cent (1%) of the lading with minimum of five hundred (500) pounds on all carload freight, except that when Ashes, Coal Coke, Cinders, Clay, Dolomite, Ganister, Gravel, Mill Scale, Ore, Sand, Slag, all Stone (not cut), Brick, Soft Drain Tile, and Borings, Filings or Turnings (Metal), are loaded in open cars that tolerance shall be one and one-half per cent ($1\frac{1}{2}\%$) of the lading with minimum of five hundred (500) pounds. (See Note as to Coal.)

NOTE.—All provisions for tolerance in this rule covering Coal are separate from the allowance on Washed Coal published in tariff of originating carrier.”

Within Canada, the Board, by General Order No. 283, dated February 24th, 1920, prescribed the following tolerance rule:—

“For ‘tolerance’; that is to say, variations in weights disclosed in check weighing or re-weighing passed without alteration of the billed weight:—

- (a) On ashes, brick, cinders, clay, drain tile (soft), dolomite, ganister, gravel, mill-scale, ore, sand, slag, stone (all kinds except ‘cut’), and other similar bulk freight, loaded on flat or open-top cars One per cent of the weight of the lading, but not less than 1,000 pounds per car.
- (b) On all other freight (including coal and coke) the weight of which is not subject to change from its inherent nature One per cent of the weight of the lading, but not less than 500 pounds per car.”

The object of the tolerance rule is to provide for a tolerance sufficiently low to ensure reasonable accuracy in the carrier’s weighing operations and sufficiently high to ensure that the re-weighing service, without charge to shipper or consignee, shall be kept within reasonable limits.

Briefly summarizing the opposition to the application, counsel for the Canadian Retail Coal Association stated it comprised approximately 500 well established retail coal dealers throughout the Province of Ontario. From the list furnished showing names of consignees who made request to have their cars of bituminous coal weighed at port of entry, it is clearly apparent that less than one-fifth of the dealers comprising this Association have availed themselves of the provisions of General Order No. 52. Counsel suggested the reason for the present application was because of an application which that Association has pending for the extension of General Order No. 52 to include anthracite coal. It was stated the saving to the consignee does not represent merely the difference in freight charges from port of entry to destination, but also a saving on the duty, as well as furnishing a basis for claim upon the shipper for the weight of coal not received, also upon United States carriers if the shortage exceeds the tolerance; that, without this Order, they will have no protection whatever in respect of these matters. Further, in the absence of this Order, where re-weighing does not result in a difference exceeding the tolerance, it was stated the cost of weighing would be approximately \$10.50 per car, and the coal dealers could not afford to have cars weighed at any such cost; that it cannot be determined from looking at a car what shortage there is, and they would be taking a tremendous risk of incurring payment of this switching charge.

It is difficult to understand why, if the Order furnishes so much protection, as alleged by counsel for the Canadian Retail Coal Association, it has been availed of to such a small extent, and the record contains no satisfactory explanation on this point. While the data submitted covering the re-weighing at port of entry during the year 1937 shows an average net underweight of only 246 pounds per car, individual cars show considerable variation, running from a few hundred pounds up to an occasional car with shortage of approximately 7,000 pounds or more, and it would appear not unreasonable to permit re-weighing at port of entry, where it is desired by consignees.

In view of the nature of the commodity, and the conditions under which it is loaded and transported, some variations between port of entry weighing and billed weight are to be expected. The coal is dumped at loading point in open-top cars, and is subject to loss by spilling over the sides if proper care is not exercised by shippers in trimming the loads, and exposed to all kinds of weather conditions, as well as any natural shrinkage in weight due to evaporation. Under such circumstances, we consider there should be a reasonable tolerance within which no correction will be made in the billed weight, and a nominal switching charge provided for, but which shall not be collected when the re-weighing results in a difference in excess of the tolerance.

Upon careful consideration of the whole record, including the written submissions, we consider the Order should not be rescinded, but that clauses 1 and 10 thereof be amended to read:—

“1. In the event of the consignee of any car or cars of bituminous coal, shipped from the United States for final delivery at a point in Ontario, desiring to have such car or cars weighed at the port of entry, he shall be at liberty to give a written notice to the local agent of the railway company receiving such car or cars at such port of entry for delivery or furtherance, that he wishes to have any or all the cars weighed,—such notice to be given before the coal is received by such railway companies; and upon the receipt of such notice, it shall be the duty of the company to weigh, at such port of entry, all cars covered by the notice.”

“10. For the services required to be performed by the railway company under clauses 1, 8 and 9 hereof, the railway company may charge and collect from the consignee five cents for every ton of coal in the car, with a minimum of \$1 and a maximum of \$2 per carload; but no charge shall be made and no amount collected for such service if,—

- (a) in case of cars weighed under clause 1, the weight be more than 1 per cent, with a minimum of 500 pounds per car, less than the weight of the coal shown by the waybill to have been in the car at time of shipment;
- (b) in case of cars weighed under clauses 8 and 9, the weight of the coal be more than 1 per cent, with a minimum of 500 pounds per car, less than the weight ascertained by weighing under clause 1, or, the coal not having been weighed under clause 1, less than the weight of the coal shown by the waybill to have been in the car at time of shipment.”

OTTAWA, January 31st, 1939.

Commissioners Stoneman and Stone concurred.

GENERAL ORDER No. 582

In the matter of the application of The Railway Association of Canada for an Order rescinding the General Order of the Board No. 52, dated November 22, 1909, concerning the weighing of bituminous coal shipped from the United States destined to points in Ontario.

Case No. 3625

WEDNESDAY, the 15th day of February, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Toronto, November 23, 1938, in the presence of counsel for and representatives of The Railway Association of Canada, Canadian Manufacturers Association, the Canadian National Railways, Canadian Pacific Railway Company, New York Central Railroad Company, Canadian Retail Coal Association, Inc., and Toronto Board of Trade, and what was alleged; and upon reading the further written submissions filed on behalf of the Canadian Manufacturers Association, the Toronto Board of Trade, the Empire Coal Company, Limited, and John B. Mustard Coal Company,—

It is ordered: That the said General Order No. 52, dated November 22, 1909, be, and it is hereby, amended as follows, namely:—

(1) By striking out paragraph 1 thereof and substituting therefor the following:—

“1. In the event of the consignee of any car or cars of bituminous coal, shipped from the United States for final delivery at a point in Ontario, desiring to have such car or cars weighed at the port of entry, he shall be at liberty to give a written notice to the local agent of the railway company receiving such car or cars at such port of entry for delivery or furtherance that he wishes to have any or all the cars weighed—such notice to be given before the coal is received by such railway companies; and upon the receipt of such notice it shall be the duty of the company to weigh, at such port of entry, all cars covered by the notice.”

(2) By striking out paragraph 10 thereof and substituting therefor the following:—

“10. For the services required to be performed by the railway company under clauses 1, 8, and 9 hereof, the railway company may charge and collect from the consignee five cents for every ton of coal in the car, with a minimum of \$1 and a maximum of \$2 per carload; but no charge shall be made and no amount collected for such service if—

- (a) in case of cars weighed under clause 1, the weight be more than 1 per cent with a minimum of 500 pounds per car, less than the weight of the coal shown by the waybill to have been in the car at the time of shipment;
- (b) in case of cars weighed under clauses 8 and 9, the weight of the coal be more than 1 per cent, with a minimum of 500 pounds per car, less than the weight ascertained by weighing under clause 1; or, the coal not having been weighed under clause 1, less than the weight of the coal shown by the waybill to have been in the car at time of shipment.”

H. GUTHRIE,
Chief Commissioner.

Application of the Canadian National Railways for an Order authorizing it to abandon operation of its Middleton Subdivision, in the Province of Nova Scotia, between Bridgetown, Mile 68·0, and Granville Centre, Mile 75·63, a distance of 7·63 miles.

File 39310.25

JUDGMENT

STONEMAN, COMMISSIONER:

This is an application of the Canadian National Railways under Section 165 (a) for an Order authorizing it to abandon operation of its Middleton Subdivision in the Province of Nova Scotia between Bridgetown, Mile 68·0, and Granville Centre, Mile 75·63, a distance of 7·63 miles.

Under chap. 82 of the Statutes of Nova Scotia, 1897, a charter was issued to the Granville and Victoria Beach Railway Company. Under chap. 160 of the Nova Scotia Statutes of 1901 the name of the above railway was changed to the Middleton and Victoria Beach Railway, the location of the Middleton and Victoria Beach Railway approved by the Department of Railways and Canals for subsidy purposes from Middleton to Victoria Beach on March 17th, 1902, and revised location filed from Middleton to Bridgetown on August 25th, 1903. This line was completed and put in operation in 1907 and the line was then taken over and operated by the Halifax & Southwestern Railway, a subsidiary company of the McKenzie Mann Company, which in turn became part of the C.N.R. in 1914. The C.N.R. continued to operate this line until early in 1921 when, due to light traffic and the necessity for major repairs, they discontinued operation for a short period from Bridgetown to Port Wade (Victoria Beach), but, after considerable correspondence, on the 15th March, 1921, the Board issued Order No. 30773 directing the railway company to restore the train service from Middleton to Port Wade in the Province of Nova Scotia as shown in its timetable effective October 3rd, 1920. This Order was observed until early in 1924 when, due to bad snow conditions, the line between Bridgetown and Port Wade was again closed for operation and when Spring came it was found that the line required such major repairs that the railway considered they were not justified in resuming operation. Much opposition developed from those in the community to this operation being discontinued, and after considerable correspondence, including an inspection by a Divisional Engineer of the Board and a sitting of the Board, which was held on the 17th March, 1925, Order No. 37489, dated 14th April, 1926, issued refusing the application for restoration of the train service of the Canadian National Railways between Granville Centre and Port Wade. Part of the line from Granville Centre to Port Wade has not since been operated. In fact it is evident from the file that part of this line was torn up before Order 37489 issued, and at the present time steel does not extend beyond Granville Centre.

The operation of the line was continued from Middleton to Granville Junction from 1926 until some time in 1935 when, due to light traffic and very little maintenance having been done on this portion of the line, the railway discontinued operation between Bridgetown and Granville Centre by placing an embargo on the carriage of freight between Bridgetown and Granville March 13th, 1935.

The Board directed the Engineering and Operating Departments to inspect and report on the condition of the line the 23rd October, 1935. The inspection and report were made by the Assistant Chief Engineer and an Inspector of Operation, recommending that a sum of \$4,000 be spent to repair the line so it would be safe for carriage of traffic. Both the Chief Engineer and the Chief Operating Officer refused to concur in the recommendation, stating their reasons, and the matter was dealt with by the Board on October 31st, 1935, the Board deciding that the Secretary be directed to advise the applicants that the application for renewed service was refused.

This application now is to abandon the mileage from Mile 68.0 to Granville Centre, Mile 75.63, a distance of 7.63 miles, and inspection was again made by the Engineering and Operating Departments. The report as a result of the inspection is dated September 14th, 1938, and states that the line has not been operated since March 13th, 1935, and that the estimate of the railway required to put the line in shape to operate would be \$50,286.46.

The matter was heard by the Board at Bridgetown, N.S., October 19th, 1938. Mr. Rand, appearing for the applicant, simply gives a history of the line and states it is his belief that no serious exception can be taken to the application. Mr. Roscoe, K.C., appearing for the United Fruit Growers Limited of Nova Scotia, states that it is not altogether a question of opposing the line. There were apple warehouses which were built after the railway was put there and were serviced by the railway, and he points out the difference in haulage which would be necessary to bring the apples to Bridgetown where they have to be loaded on cars for the Overseas market, and the fact that in Wintertime the temperature is such that there is danger of freezing, and he feels that the owners of the warehouse should be compensated for the amount of the value of the warehouse and for the siding which the warehouse has provided on the line.

In so far as compensation is concerned the Board has no power to direct the railway to compensate parties affected by an abandonment.

Since the Board's letter, dated November 6th, 1935, advising those who applied for restoration of service that the application had been refused, the file does not disclose any further application on behalf of the shippers to have the service restored. I think the fact that no further application has been made since 1935 for restoration of service indicates very clearly that the community is not suffering any serious inconvenience.

Under the circumstances I feel the expenditure necessary to rehabilitate the line in question is not justified and, therefore, order should go granting the application.

February 4th, 1939.

Commissioner Stone concurred.

ORDER No. 57088

In the matter of the application of the Canadian National Railways, under Section 165A of the Railway Act, for approval of the abandonment of operation of their Middleton Subdivision, in the Province of Nova Scotia, between Bridgetown (mileage 68) and Granville Centre (mileage 75.63), a distance of 7.63 miles.

File No. 39310.25

THURSDAY, the 16th day of February, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Bridgetown, Nova Scotia, October 19, 1938, in the presence of counsel for the railway company, the County of Annapolis, the Towns of Bridgetown and Middleton, and the United Fruit Growers, and what was alleged,—

It is ordered: That the abandonment of operation of the Canadian National Railways' Middleton Subdivision, between Bridgetown (mileage 68) and Gran-

ville Centre (mileage 75·63), in the province of Nova Scotia, a distance of 7·63 miles, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57038

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 7th day of February, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 50 to Tariff C.T.C. No. E-1238.
Supplement 31 to Tariff C.T.C. No. E-1239.
Supplement 42 to Tariff C.T.C. No. E-1504.
Supplement 43 to Tariff C.T.C. No. E-2444.
Supplement 2 to Tariff C.T.C. No. E-2877.
Tariff C.T.C. No. E-2905.
Tariff C.T.C. No. E-2906.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57039

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

TUESDAY, the 7th day of February, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published to St. Vincent de Paul, Terrebonne, and Berthier-ville, Que., in Supplement No. 21 to Tariff C.T.C. No. 194, filed by the Ferediction & Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried

under the said Supplement No. 21 to Tariff C.T.C. No. 194, to St. Vincent de Paul, Que., Terrebonne, Que., and Berthierville, Que., approved herein, are as follows:—

To		Cents per ton of 2,000 pounds
St. Vincent de Paul, Que.	}	295
Terrebonne, Que.		
Berthierville, Que.		295

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57040

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act; and the Order of the Board No. 51179, dated July 10, 1934, approving tolls published in Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal & Railway Company.

File No. 34822.15

TUESDAY, the 7th day of February, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon its appearing that discrepancies were noted in the normal tolls in connection with the said Tariff C.T.C. No. 194—

It is ordered: That the said Order No. 51179, dated 10th July, 1934, be, and it is hereby, amended by striking out the figures, "370," "335," "325," "255" and "370" opposite the following stations: Weedon, Quebec; Ste. Marie, Quebec; Scotts Junction, Quebec; Quebec, Quebec; and Rock Island, Quebec; and substituting therefor the figures, "375," "325," "310," "235," and "375," respectively.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57041

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

TUESDAY, the 7th day of February, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published to Black Lake, Que., in Supplement No. 20 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal & Railway

Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 20 to Tariff C.T.C. No. 194, to Black Lake, Que., approved herein, is 340 cents per ton of 2,000 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57042

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act; and the Orders of the Board numbered 52670, dated January 13th, 1936; 54803, dated September 4, 1937; and 53218, dated June 16th, 1936, approving tolls published in Supplements Nos. 3, 6 and 11 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal and Railway Company.

File No. 34822.15

TUESDAY, the 7th day of February, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published to stations named hereunder in Supplement No. 11 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 11 to Tariff C.T.C. No. 194, approved herein, are as follows:—

To	Cents per ton of 2,000 pounds
Hawkesbury, Ont.....	350
Valleyfield, Que.....	320
Beauharnois, Que.....	320
Eustis, Que.....	295
East Angus, Que.....	280
Dudswell, Que.....	275
Coleraine, Que.	345
Thetford Mines, Que.}	
East Broughton, Que.}	

3. And the Board further orders that the said Orders numbered 52670, dated January 13, 1936; 54803, dated September 4, 1937; and 53218, dated June 16, 1936, be, and they are hereby, rescinded.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57047

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 8th day of February, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published to North Bay, Ontario, in Supplement No. 50 to Tariff C.T.C. No. E-4322, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 50 to Tariff C.T.C. No. E-4322, to North Bay, Ontario, approved herein, will be the rates in effect prior to July 1st, 1927, as appearing in Canadian Pacific Railway Tariff C.T.C. No. E-4203 and Temiscouata Railway Tariff C.T.C. No. 531, except that from Clairs, New Brunswick, the normal toll will be 31 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57058

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Charlottetown, in the Province of Prince Edward Island, and Moncton, in the Province of New Brunswick, with intermediate call at Summerside, Prince Edward Island.

File No. 42007.4

SATURDAY the 11th day of February, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between Charlottetown, Prince Edward Island, and Moncton, New Brunswick, with an intermediate call at Summerside, Prince Edward Island, which points are specifically named by the Governor in Council under Order in Council P.C. No. 2849, dated November 17th, 1938, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a scheduled service, daily except Sunday, by aircraft approved and licensed by the Controller of Civil Aviation—

Therefore the Board orders that Licence Number C.T.C. (A.T.) 1 be issued for the period of one year from the date of this Order; and that the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16th, 1938, with respect to the submission of by-law and filing of tariffs, including the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57056

In the matter of the application of the New York Central Railroad Company, hereinafter called the "Applicant Company," for permission to file on less than statutory notice a supplement to its Tariff C.T.C. N.Y.C. No. 3651, to correct an error.

File No. 27612.193

MONDAY, the 13th day of February, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas, through a clerical error in Item 3680-D, page 12, of Supplement 36 to the Applicant Company's Tariff C.T.C. N.Y.C. No. 3651, a rate of 27 cents per 100 pounds is published on flax seed from New York, N.Y., to Toronto, Ont., in column B, instead of 28 cents per 100 pounds; and in order that the proper and intended rate to Toronto may be applied, the Applicant Company now desires to make correction on less than statutory notice—

It is therefore ordered that the Applicant Company be, and it is hereby, granted leave to file on one day's notice a supplement to its Tariff C.T.C. N.Y.C. No. 3651, to correct the said error.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57066

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 13th day of February, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates

Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 36 to C.T.C. No. E-2047

Supplement 5 to C.T.C. No. E-2437

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57080

In the matter of the application of the Quebec Central Railway Company, hereinafter called the "Applicant Company," for permission to file on less than statutory notice a supplement to its Tariff C.T.C. No. 1139 to correct an error.

File No. 27612.194

TUESDAY, the 21st day of February, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas through a clerical error in the applicant company's Tariff C.T.C. No. 1139, on page 4 thereof, rate basis No. 3 applicable between East Angus, Quebec (headline station No. 85), and Weedon, Quebec (index No. 115), should read rate basis No. 6;

And whereas rate basis No. 21 applicable between East Angus, Quebec (headline station No. 85), and Quebec, Quebec (index No. 260), should read rate basis No. 28;

And whereas the applicant company now desires to make the correction upon less than statutory notice,—

It is therefore ordered: That the applicant company be, and it is hereby, granted leave to file on ten days' notice a supplement to its Tariff C.T.C. No. 1139 to correct the said errors.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

P.C. 312

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 10th day of February, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas, by Order in Council P.C. 2849, dated the 17th day of November, 1938, Part III of The Transport Act, 1938, relating to Transport by Air, was, pursuant to the provisions of subsection 1 (a) of Section 15 of the said Act,

made applicable to transport by air by means of international or interurban air transport services between the points and places in the Order in Council named, including, under the heading Interurban Air Transport Services, the following points and places:—

Vancouver, Lethbridge, Regina, Winnipeg

Winnipeg, Sioux Lookout, Wagaming, Kapuskasing, North Bay, Ottawa,
- Montreal

Winnipeg, Sioux Lookout, Wagaming, Kapuskasing, North Bay,
Toronto

Toronto, Ottawa, Montreal;

And whereas the Minister of Transport reports that the Board of Transport Commissioners for Canada has advised that it is in receipt of an application from Trans-Canada Air Lines for one licence to transport passengers and goods by air on a scheduled route which designates Montreal, Winnipeg, and Vancouver as terminal points, and includes as intermediate points of call the following:—

Ottawa, Toronto, North Bay, Kapuskasing, Wagaming, Regina, Lethbridge,

the application, therefore, seeking to combine into one route the said points and places named in the said Order in Council; and

That the Board expresses the opinion that it cannot interpret the said Order in Council as permitting it to license as one route the said points and places named in the said Order in Council; that under the terms of the said Order in Council the said points and places form four separate and distinct routes, and that the Board is only authorized to issue a licence applicable to the points and places named with respect to each of the said routes;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend Order in Council P.C. 2849, dated the 17th of November, 1938, and it is hereby amended by the deletion of the following points and places as they are therein set out under the heading Interurban Air Transport Services, *viz.*,

Vancouver, Lethbridge, Regina, Winnipeg

Winnipeg, Sioux Lookout, Wagaming, Kapuskasing, North Bay, Ottawa,
Montreal

Winnipeg, Sioux Lookout, Wagaming, Kapuskasing, North Bay,
Toronto

Toronto, Ottawa, Montreal,

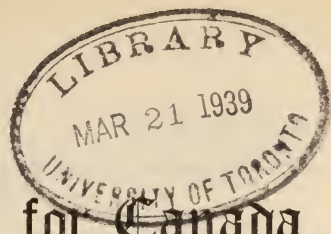
and the substitution, in lieu thereof, of the following points and places, as hereinafter set out, namely,—

Vancouver, Lethbridge, Regina, Winnipeg, Wagaming, Kapuskasing,
North Bay, Toronto, Ottawa, Montreal.

E. J. LEMAIRE,

Clerk of the Privy Council.

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The Board of
Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXVIII March 15, 1939 No. 26

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ORDER No. 57083

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 17th day of February, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 3925A of Supplement No. 4 to Tariff C.T.C. No. E-4869, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 3925A of Supplement No. 4 to Tariff C.T.C. No. E-4869, approved herein, are as follows:—

Item 3925A To	Cents per 100 pounds			
	Minimum	Weights		
	24.000	30,000	40,000	60.000
Edmundston, N.B.	29½	...	...	27
Fredericton, N.B.	10½	...	...
Grand Falls, N.B.	29	...	...
Perth Jct., N.B.	22½	...	...
Woodstock, N.B.	20	...

F. NAP. GARCEAU,
Deputy Chief Commissioner

ORDER No. 57082

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

MONDAY, the 20th day of February, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 3003 of Supplement No. 3 to Tariff C.T.C. No. E-4869, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 3003 of Supplement No. 3 to Tariff C.T.C. No. E-4869, approved herein, are as follows:—

Item 3003 Index Nos.	From	Cents per 100 pounds
105	Welsford, N.B.	4½
110	Clarendon, N.B.	
115	Wirral, N.B.	
120	Enniskillen, N.B.	
125	Hoyt, N.B.	5
135	Bailey, N.B.	
140	Fredericton Jct., N.B.	
145	Tracey, N.B.	
150	Vespra, N.B.	5½
to	to	
165	Harvey, N.B.	
170	Prince William, N.B.	
to	to	6½
185	McAdam, N.B.	
935	Rusagonia, N.B.	
to	to	
970	Fredericton, N.B.	6
1105	Barber Dam, N.B.	
1110	Lawrence, N.B.	
1115	Watt, N.B.	
to	to	7½
1150	St. Stephen, N.B.	
1415	Dumbarton, N.B.	
to	to	
1460	Chamcook, N.B.	7½
1465	Bar Road, N.B.	
1470	St. Andrews, N.B.	
1815	Cottrell, N.B.	
1820	Sugar Brook, N.B.	8½
1830	Deer Lake, N.B.	
to	to	
1865	Wickham, N.B.	
1870	Debec Jct., N.B.	8½
to	to	
1945	Florenceville, N.B.	
1950	Bristol, N.B.	
to	to	9
1995	Perth Jct., N.B.	
2430	McKenna, N.B.	
2435	Shewan, N.B.	
to	to	7½
2480	Burt's Lake Siding, N.B.	
2485	Barton, N.B.	
2490	Hayne, N.B.	
2495	Stoneridge, N.B.	7

Item 3003 Index Nos.	From	Cents per 100 pounds
2500	Zealand, N.B.	6½
to	to	
2530	Clanfield, N.B.	6
2535	Nashwaaksis, N.B.	
to	to	7½
2550	South Devon, N.B.	
2670	Caverhill, N.B.	6½
to	to	
2685	Otis, N.B.	7½
40	Ripples, N.B.	
10	Newcastle Bridge, N.B.	8½
35	Cumberland Bay, N.B.	
45	Young's Cove Road, N.B.	9
55	Washademoak, N.B.	

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57084

*In the matter of tariffs and supplements to tariffs filed under the provisions of
the Maritime Freight Rates Act.*

File No. 34822.8

MONDAY, the 20th day of February, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item No. 1 of Tariff C.T.C. No. 68, filed by the Sydney and Louisburg Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item No. 1 of Tariff C.T.C. No. 68, approved herein, is 12½ cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57085

*In the matter of tariffs and supplements to tariffs filed under the provisions of
the Maritime Freight Rates Act.*

File No. 34822.2

MONDAY, the 20th day of February, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates

Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3 namely:—

Supplement 47 to Tariff C.T.C. No. E-1689.
 Supplement 48 to Tariff C.T.C. No. E-1906.
 Supplement 56 to Tariff C.T.C. No. E-1974.
 Supplement 6 to Tariff C.T.C. No. E-2745.
 Supplement 3 to Tariff C.T.C. No. E-2877.
 Supplement 4 to Tariff C.T.C. No. E-2877.
 Tariff C.T.C. No. E-2909.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57087

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 21st day of February, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 52 of Supplement No. 10 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 52 of Supplement No. 10 to Tariff C.T.C. No. 1063, approved herein, is 7 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57105

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 27th day of February, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 43 to Tariff C.T.C. No. E-1504.
 Supplement 27 to Tariff C.T.C. No. E-2526.
 Supplement 7 to Tariff C.T.C. No. E-2745.
 Supplement 5 to Tariff C.T.C. No. E-2877.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57110

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 1st day of March, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 52A of Supplement No. 11 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 52A of Supplement No. 11 to Tariff C.T.C. No. 1063, approved herein, is 7 cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

GENERAL ORDER No. 583

In the matter of regulations governing the construction and filing of freight tariffs for transportation by water.

File No. 42082

FRIDAY, the 24th day of February, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

In pursuance of the powers expressly conferred under Part IV of The Transport Act, 1938, and of all other powers possessed by the Board in that behalf,—
The Board orders as follows:—

That the Regulations Governing the Construction and Filing of Freight Tariffs for Transportation by Water, attached hereto, be, and they are hereby, approved for the use of all carriers licensed to transport goods by water under the provisions of The Transport Act, 1938.

H. GUTHRIE,
Chief Commissioner.

Regulations of the Board of Transport Commissioners for Canada Governing the Construction and Filing of Freight Tariffs for Transportation by Water.

1. Foreword:

Water carriers subject to The Transport Act, 1938, are required to file tariffs immediately following the issuance of licences but, contrary to the possible understanding of some carriers, the Board will not prescribe initial (first) rates or charges for water transport carriers. The Act leaves such rates or charges to the discretion of the carriers. Thereafter, the Board may, upon complaint or upon

its own initiative, require changes in rates or charges which it finds to be unlawful, or prescribe new rates or charges.

All initial tariffs filed will be deemed to comply with the law relative to filing, unless and until they are rejected by the Board with directions to file other tariffs in lieu thereof. In the event of such directions, the tariffs already filed shall be the effective tariffs until revised tariffs have been filed with the Board in accordance with its directions.

2. Definitions:

The following terms as used herein shall be construed to mean,—

Class Rates.—All rates subject to the classification.

Commodity Rates.—All rates on specific commodities.

Joint Rates.—Rates extending over lines of two or more carriers made by arrangement or agreement under concurrence or power of attorney.

Joint Routes.—Routes extending over lines publishing joint rates.

Joint Tariffs.—Those containing "Joint Rates."

Publications.—Any tariff or supplement.

Tariffs and Supplements.—All rate publications, rules and regulations, distance tables, terminal charges and absorptions, or any publication whatsoever setting forth any charges made or absorbed by carriers.

Tolls.—Any charge made for services rendered.

3. By-law Authorizing Officers to Issue Tariffs:

The by-law or resolution required by Section 18 of The Transport Act, 1938, to be submitted to the Board for approval as a prerequisite to the charging of tolls shall be as follows:—

"I (name of officer to be here inserted), of (name of company to be here inserted), do hereby certify that the following is a true copy of a (state whether by-law or resolution) adopted by the Board of Directors of the said (insert name of company) at a meeting held at the office of the company in (name of place) on (here insert date), at which a quorum was present and voted,—

"The (here insert the title, but not the name of the officer) of the company is hereby authorized by this (state whether by-law or resolution) to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the company, and to submit the same to, and file the same with, the Board of Transport Commissioners for Canada, as required by The Transport Act, 1938.

"In witness whereof, I hereunto affix my hand and seal of the company, this day of, 19....."

.....
Name

.....
Title

4. Transfer of Operating Control (Adoption Notices):

When the name of a company is changed or when its operating control is transferred to another company, the company which will thereafter operate the properties shall file and post an Adoption Notice, numbered in its C.T.C. series, reading as follows:—

"The (here insert name of new corporation) hereby adopts, ratifies and makes its own, in every respect, as if the same had been originally filed and posted by it, all

or other instruments whatsoever, including supplements or amendments thereto, filed with the Board of Transport Commissioners for Canada by the (corporate name of old company)"

* * * * *

All tariffs and supplements filed with the Board must conform to the following regulations:—

5. Size of Tariffs; Style of Reproduction; Numbering:

Tariffs and supplements must be of uniform size, namely, eight (8) inches wide by eleven (11) inches long. They must be plainly printed or mimeographed on paper of good quality. They must be consecutively numbered as provided in Rule 9.

No alteration in writing or erasure shall be made in any tariff or supplement thereto.

6. Filing Advices:

One copy of each tariff or supplement (except as provided by Rule 17) shall be filed with the Board accompanied by a filing advice, in duplicate, consecutively numbered (see Appendix A). The original advice will be retained and the duplicate stamped with date of receipt and returned. They shall be addressed to the Director, Traffic Department, Board of Transport Commissioners for Canada, Ottawa, Canada. If mailed in Canada, and the envelope is plainly marked "O.H.M.S.", no postage is required.

7. Filing of Tariffs:

Freight tariffs and supplements other than standard tariffs (see Rule 17) shall be filed to be effective on thirty days' notice for advances in rates, and three days' notice for reductions in rates. However, the Board may, upon application by the carrier, authorize departure from this rule under exceptional circumstances.

8. Rejection:

The act of mailing is not construed as filing. Tariffs or supplements must reach Ottawa in time to give at least the required notice.

Publications which fail to give the required notice will be returned to the sender, marked "Rejected."

The C.T.C. number of the rejected tariff or supplement shall not again be used, and the substituted publication shall show on the title page the following: "Issued in lieu of (reference here to the rejected publication) rejected by the Board of Transport Commissioners for Canada."

9. Title Pages of Tariffs:

In the order named, the title page of every tariff and supplement shall show,—

- (a) On the upper right-hand corner each tariff shall be numbered beginning with No. 1. Such number shall be shown as follows:—

C.T.C. No. . . .

- (b) When tariffs are issued cancelling a tariff or tariffs previously filed, the C.T.C. number or numbers of the tariff or tariffs cancelled must be shown in the upper right-hand corner immediately under the C.T.C. number of the new tariff. Example:—

C.T.C. No. 2

 cancels

C.T.C. No. 1.

- (c) Supplements to a tariff, in addition to showing the C.T.C. number of the tariff amended thereby, shall be numbered beginning with the number "1," and such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand

corner the number of any previous supplement cancelled thereby and also the numbers of the supplements containing all changes from the tariff. Example:—

Supplement No. 3
to
C.T.C. No. 1
cancels
Supplement No. 2
Supplements Nos. 1 and 3 contain all changes

- (d) Name of carrier issuing tariff (which must be the same as that appearing in the carrier's licence).
- (e) Whether tariff is standard, special, or competitive.
- (f) A brief description of the traffic and the territory in which, or points from and to, or between which the tariff applies.
- (g) Reference to any classification governing the tariff.
- (h) Date of issue and date effective.
- (i) Name, title and address of the officer authorized to prepare and issue tariffs of tolls.

NOTE: See Appendix B for example of title page of a freight tariff conforming to this rule.

10. *Contents of Tariffs:*

Tariffs and supplements shall contain:—

- (a) Table of contents arranged in alphabetical order showing the number of the page on which each subject may be found. If a tariff contains so small a volume of matter that its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.
- (b) Grouping together of all items relating to different kinds or species of the same commodity.
- (c) Commodity descriptions stated clearly and explicitly so as to leave no doubt as to their proper application.
- (d) Explanation of all abbreviations, symbols and reference marks used in the tariff, which shall, if possible, be shown at the foot of the page in which such abbreviations or marks appear. If not so shown, reference shall be given to the page in which the explanation is published.
- (e) All rules and regulations governing the tariff stated in clear and explicit terms so as to leave no doubt as to their proper application.
- (f) The rates explicitly stated, together with the names or designations of the places from and to which they apply, all arranged in simple and systematic manner. Complicated manner of arrangement or ambiguous terms must be avoided.
- (g) Where tariffs contain both competitive and non-competitive rates, reference marks must indicate the competitive rates.
- (h) Specific routing instructions for all joint rates. When a tariff contains both local and joint rates and it is not intended that local rates to competitive points are to apply via joint routes, the fact must be plainly stated in the tariff.
- (i) Specific rules setting out the conditions under which service will be provided to each point to or from which a rate is published.

11. *Cancellation of Tariffs:*

- (a) A tariff or supplement having once been cancelled cannot be restored. If it is desired to reinstate rates previously abrogated, they must be covered by an entirely new publication.
- (b) Cancellation of a tariff also cancels all supplements thereto in effect at the time.
- (c) A tariff may only be cancelled by a supplement to that tariff or by another tariff. Cancellation of one tariff by a supplement to another tariff will not be permitted.
- (d) When a tariff is cancelled, the cancellation notice will show where the rate or rates will be found or what rate or rates will thereafter apply.

12. *Symbols to Denote Changes:*

All tariffs and supplements shall indicate changes thereby made in existing rates or charges, rules, regulations or practices by the use of the following symbols, which shall be used for no other purposes:—

- ◆—to denote increases;
- ♣—to denote reductions;
- ▲—to denote changes, the result of which is neither an increase nor a reduction;
- to denote re-issued matter with identifying number therein to comply with Rule 16.

Explanation of such symbols must be published in the tariff or supplement in which used. When a change of the same character is made in all, or substantially all, rates in a tariff or supplement, or a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of each page in the following manner: "All rates on this page are (here state whether reductions or increases), except as otherwise indicated." In such case a bold face dot "●" shall be used to symbolize a rate in which no change is made.

13 *Nature of Tariff Not to be Changed:*

A tariff having been filed, containing class rates only, it is not permissible to add commodity rates by means of a supplement thereto; likewise class rates shall not be added by supplement to a filed commodity tariff.

The above does not prohibit the filing of a tariff containing both class and commodity rates, but the nature of the tariff once filed shall not be changed by the filing of a supplement.

14. *Rules and Regulations in Separate Tariffs:*

A separate tariff may be filed containing rules and regulations. Such rules and regulations may be made part of the rate tariff by the following reference therein:—

"Governed, except as otherwise provided, by rules and regulations published in C.T.C. No. ..., supplements thereto or re-issues thereof."

15. *Terminal Tariffs:*

(a) Unless shown in individual rate tariffs affected thereby, each carrier shall publish and file, under proper C.T.C. numbers, separate tariffs which shall contain, in clear and specific form and terms, all the charges for special services not directly a part of the transportation covered by the line haul rates, together

with rules governing, such as switching, icing, storage, elevation, cartage, loading or unloading, etc., also absorptions and allowances which in any way increase or decrease the amount to be paid on any shipment, or which increase or decrease the value to the shipper.

(b) Where the charges, as herein described, are published in separate tariffs, reference thereto shall be made in tariffs containing rates affected thereby.

16. Consolidation of Supplements:

The number of supplements at any time in effect with respect to any tariff shall not exceed three; thereafter a consolidating supplement bringing forward re-issued matter shall be filed bearing the notation,—

“Effective except as otherwise provided herein.”

Re-issued matter brought forward without change must show in a conspicuous form and convenient manner the following:—

“Re-issued (in black type): Effective (date on which item became effective) in Supplement No.”

or where necessary, re-issued matter may be indicated by the symbol ☐ and explanatory notes (see example),—

☐ Re-issued, effective April 27, 1938, in Supp. No. 1.

☐ Re-issued, effective May 20, 1938, in Supp. No. 2.

17. Standard Tariffs:

Standard tariffs of maximum tolls and every amendment and supplement thereto shall require the approval of the Board before becoming effective, and the effective date shall be that prescribed by the Board. These must be filed in duplicate.

18. Special Rate Notices:

Under the provisions of Section 31 of The Transport Act, 1938, companies subject to the Act are authorized to issue special rate notices between points which are not competitive in the following cases, namely:—

- (a) To provide for the prompt shipment of any freight which may unexpectedly offer, and for which no suitable tariffs have been prepared, on condition that the filing and publication of such tariffs be immediately proceeded with, except where special rate notice has been issued to cover an individual consignment and the rate is not of a permanent character.
- (b) To provide for the disposition of shipments which may have been forwarded to the wrong destination, or which have been refused by the consignees, by returning them to the original points of shipment at less than the ordinary tariff rate, or by reforwarding at a reduced rate from the first to a second destination, in which case the published rate from the point of shipment to the first destination added to the reduced rate from the first destination to the second, shall not be less than the published rate for a through haul from the original shipping point to the second or final destination.

These special rate notices shall be numbered consecutively and mailed to the Director, Traffic Department, as soon as issued.

They shall also show the tariff rate, if any, that would have been charged in the absence of such notice, and shall exist merely for the purpose of giving effect to the rate to be charged for the specific shipment mentioned therein.

Special rate notices issued under section (a) of this rule shall show the C.T.C. number of the tariff or supplement in which the rate will be published, except when issued to cover an individual consignment.

NOTE.—See Appendix “C” for example of special rate notice.

19. *Suspension and Restoration of Service:*

Tariffs containing rates effective without limitation of date must include a clause as follows:—

Rates named herein are effective only during the period of navigation and shall be automatically suspended upon the discontinuance of transportation service on the date fixed by supplement hereto, and will become reinstated at opening of navigation on the date fixed by supplement hereto.

20. *Reference to Orders and Judgments:*

Tariffs or supplements issued pursuant to judgments or orders of the Board shall give reference to the number and date of the order or date of the judgment, as follows:—

“Issued in compliance with order of the Board of Transport Commissioners for Canada, No. . . . , dated,” or

“Issued pursuant to judgment of the Board of Transport Commissioners for Canada, dated”

21. *Posting for Public Inspection:*

The carrier must post all of its tariffs and supplements for public inspection at its head office and principal branch offices. It shall also post for public inspection at agency points all of the tariffs and supplements applying from or to the ports or areas contiguous thereto. At every such head office, branch office, agency, or port at which traffic is handled, the carrier shall post in a prominent place a notice directing attention to the place where the tariffs and supplements are kept on file for public inspection during office hours, and the agent or person in charge shall produce to any applicant, on request, any tariff so kept on file, which he may desire to inspect.

22. *Uniformity of Tolls:*

To provide for equal application of tolls, as intended by The Transport Act, 1938, there should be uniformity of tolls published by licensed carriers between competitive points. Copies of tariffs publishing rates between points competitive with other water carriers subject to the Act shall be sent to all competing water carriers, with copy of filing advice (Appendix A) concurrently with filing with the Board. The filing advice filed with the Board shall show the names of the carriers to whom such tariffs were forwarded.

23. *Distance Tables:*

Each carrier shall publish and file, in duplicate, under a C.T.C. number, an “Official Distance Table,” which shall contain the exact distances between all points where rates are provided. Tariffs which contain mileage rates shall give reference, by C.T.C. number, to the Official Distance Table.

24. Joint Tariffs to be Filed Separately by Each Initial Carrier:

Joints tariffs applying from points on more than one carrier must be filed by each of the initial carriers under its own C.T.C. number, unless issued and filed by an agent under power of attorney.

25. Powers of Attorney:

(a) A carrier may, by power of attorney, authorize an agent to file certain tariffs and supplements thereto in its stead. Such authorization shall name an alternate agent to act in the event of the death or disability of the principal agent.

The power of attorney shall be in the following form, printed on paper 8 by 10½ inches:—

P.A. No.
Cancels P.A. No.
(Corporate name of carrier),
(Post-office address),
....., 19....

KNOW ALL MEN BY THESE PRESENTS:

That the (corporate name of carrier) has made, constituted, and appointed, and by these presents does make, constitute, and appoint (name of principal agent appointed) its true and lawful attorney and agent for the said company, and in its name, place, and stead, to file freight rate tariffs and supplements thereto, as required of common carriers by the Transport Act, 1938, and by regulations established by the Board of Transport Commissioners for Canada thereunder, for the period of time, the traffic, and the territory now herein named:

.....
.....

And the said (corporate name of carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

And further, That the (corporate name of carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint as alternate (name of alternative agent appointed) its true and lawful attorney and agent, for said Company and in its name, place and stead, in case and only in case of the death or disability of the said (here insert name of principal agent) to do and perform the same acts and exercise the same authority as hereinabove granted to (here insert name of agent first hereinabove named).

In witness whereof the said company has caused these presents to be signed in its name by its president and to be duly attested under its corporate seal by its secretary, at in the Province of, on this day of in the year of our Lord nineteen hundred and

(Corporate name of carrier),

By.....

Its..... President.

..... Secretary.

(Corporate Seal)

(b) This form may also be used to authorize an agent to file freight classifications, by omitting the words "freight rate tariffs" and substituting the word "classification," or by adding the words "and classification" if the agent files both tariffs and classification.

(c) At least one day before the date of filing of the first tariff or supplement by the alternate agent under the authority granted in the third paragraph of the above form, such alternate agent must submit to the Board a sworn statement setting forth the reason or reasons which justify such exercise of authority. The term "disability" in the form means resignation, permanent transfer to other duties or other permanent absence of the principal agent, and does not mean temporary absence of the principal caused by vacation, illness or other cause. After an alternate agent has once exercised the authority granted by the form, the principal agent may not thereafter again exercise such authority under that form.

(d) Transfer of authority from one agent and alternate to another agent and alternate may be accomplished by filing a new power of attorney for the agent and alternate thereafter to serve, which shall specifically cancel the previous power of attorney. In the event of the death or disability of either the principal or alternate agent, new powers of attorney cancelling the effective powers of attorney shall be filed within 180 days, which shall name the principal and alternate agents thereafter to serve. These new powers of attorney shall bear no effective date. They shall be forwarded to the new principal agent who, after he has secured all the necessary authorities, shall file the originals with the Board all at one time. Such powers of attorney will become effective upon the date they are so received by the Board.

(e) Powers of attorney shall continue in force until revoked by formal and official notice of revocation placed in the hands of the Board of Transport Commissioners for Canada at Ottawa, at least sixty days before the said notice shall become effective.

(f) Such joint agent, duly authorized to act for several carriers, shall file joint tariffs under consecutive C.T.C. serial numbers of his own.

(g) Agents publishing tariffs under power of attorney shall include therein the names of the carriers for whom they act, together with the number of the power of attorney on file with the Board.

26. Concurrences:

(a) Joint tariffs and supplements thereto shall be filed with the Board by the proper officer of the initial carrier, or by a duly appointed agent, and concurrence, as per forms herein prescribed, of every other carrier participating in such joint tariffs or supplements thereto.

(b) One or other of the following forms may be used in notifying the Board of assent to, and concurrence in, joint tariffs or supplements thereto, applicable between points in Canada, which are filed by an initial carrier or agent, and to which the carrier giving assent and concurrence has been made a party. These concurrence forms shall be printed on paper ten and one-half (10½) inches long by eight (8) inches wide and mailed to the Director, Traffic Department of the Board.

"SPECIFIC CONCURRENCE CERTIFICATE"

(Name of concurring carrier in full)

.....
(Place and date)

No. C.C. (From No. 1 progressively).

The Board of Transport Commissioners for Canada.

This is to certify that the (name of concurring carrier in full) assents to, and concurs in, the publication and filing of the tariff or supplement described below, and hereby makes itself a party thereto and bound thereby:—

(Full title and C.T.C. number of tariff concurred in.)

Date effective.....

Issued by.....Company.

“LIMITED CONCURRENCE CERTIFICATE”

(Name of concurring carrier in full)

(Place and date).....

No. L.C. (From No. 1 progressively).

The Board of Transport Commissioners for Canada.

This is to certify that the (name of concurring carrier in full) assents to, and concurs in, joint tariffs and supplements thereto that may hereafter be published and filed by the (name of carrier in full), in which this company is named as a participant, in so far as such tariffs contain rates or regulations which apply within Canada, via this company's line to (not from), except as indicated herein

.....
and hereby makes itself a party thereto and bound thereby.

“GENERAL CONCURRENCE CERTIFICATE”

(Name of concurring carrier in full)

(Place and date).....

No. G.C. (From No. 1 progressively).

The Board of Transport Commissioners for Canada.

This is to certify that the (name of concurring carrier in full) assents to, and concurs in, joint tariffs and supplements thereto that may hereafter be published and filed by the (name of carrier or agent in full), in which this company is named as a participant, in so far as such tariffs contain rates or regulations which apply within Canada, to or via (not from) this company's points, and hereby makes itself a party thereto and bound thereby.

(c) The “Specific” Concurrence Certificate shall be signed with the name and title of the official of the concurring carrier appointed by by-law of the company to prepare and issue tariffs.

When “Specific” Concurrence Certificates are used, three copies shall be made by the concurring carrier, one marked “original,” one “duplicate,” and one marked “triplicate,” and forwarded to the carrier who issues the tariff. The latter carrier will then file with the Board the three copies, together with the tariff to which they refer, and the duplicate will be stamped and returned to the concurring carrier, and the triplicate to the carrier issuing the tariff, as a receipt.

(d) The “Limited” and “General” Concurrence Certificates shall be signed in person by the official of the concurring carrier appointed by by-law to prepare and issue tariffs.

(e) The company or agent which prepares and issues the joint tariff shall show therein, in small type against the name of each of the concurring companies, the "C.C.," "L.C.," or "G.C." number as the case may be, of the certificate of concurrence of such company in such joint tariff.

(f) Two copies of "Limited" and "General" certificates of concurrence shall be filed with the Board, one marked "duplicate" to be stamped with the date of receipt by the Board and returned to the sender.

(g) "Limited" or "General" concurrence may be revoked by filing revocation notice with the Board, and with the agent or carrier in whose favour it was issued.

The revocation notice filed with the Board shall be accompanied by a letter setting out in full detail the reasons for such revocation. Such notice shall specify the form and number of the concurrence to be revoked, the name of the agent or carrier in whose favour it was issued and the effective date thereof, which date shall not be less than sixty (60) days subsequent to its receipt by the Board.

If it is desired to continue in effect any tariff issued under the concurrence to be revoked, individual concurrence therefor shall be filed prior to the effective date of the revocation of the "Limited" or "General" concurrence.

APPENDIX "A"

.....
 (Name of Carrier)
19....
 (Place and Date)

Advice No.....

The Director, Traffic Department,
 Board of Transport Commissioners for Canada,
 Ottawa, Canada.

Dear Sir,—In compliance with the requirements of the Transport Act, 1938, I transmit herewith, for filing with the Commission, copies of tariffs as follows,—

Supplement Number	Tariff C.T.C. Number	Date Taking Effect

I certify hereby that copies of this advice and tariffs between competitive points, indicated by (x) have been forwarded to the following:—

.....

.....
 (Name)

.....
 (Title)

APPENDIX "B"

C.T.C. No.....

(Name of Carrier)

Special Freight Tariff
applying on

(Here state commodity or, if general, merely state "Commodities")

From Montreal to points in Ontario and Quebec

or

Between points in Ontario and Quebec

Governed, except as otherwise provided, by (here name classification) issued
by (here state by whom issued) C.T.C. No....., supplements to or
successive issues thereof.

Issued..... Effective.....

Issued by

(Name)

(Title)

(Address)

APPENDIX "C"

C.T.C. No.....

(Name of Carrier)

.....19....
(Place and Date)No.....
(Carrier's No.)

SPECIAL RATE NOTICE

The following special rate is authorized on.....
.....
account

From	To	Special Rate (In cents per 100 lbs. unless otherwise specified)	Present Rate
Reason for special rate			Tariff authority C.T.C. No.....

Effective..... Expires.....

Issued under Rule 18 of the Board of Transport Commissioners for Canada
General Order No. 583, dated Ottawa, Canada, February 24, 1939.

Issued by.....

(Title)

(Title)

P.C. 325

Certified to be a True Copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th February, 1939.

The Committee of the Privy Council have had before them a report, dated 10th February, 1939, from the Minister of Transport, representing:—

That subsection 1 (f) of Section 2 of The Transport Act, 1938, reads as follows:—

“‘Great Lakes’ means Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, and shall include the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans”;

That Section 6 of the said Act reads as follows:—

“(1) Every licence issued under this Act shall, subject to the provisions of this Act, be for one year or for such other period as the Board with the approval of the Governor in Council may determine, and a fee shall be payable therefor according to a tariff of fees to be fixed by the Board with the approval of the Governor in Council.

“(2) Fees for licences shall be paid to the Receiver General of Canada for the use of His Majesty.”

That by Proclamation duly issued under date the 4th of January, 1939, pursuant to Order in Council, P.C. 3269, of the same date, it was declared and directed that Part II of the said Act, relative to transport by water, should come into force, in respect of the “Great Lakes,” as defined in subsection 1 (f) of Section 2 of the said Act, and have effect upon, from and after the 15th day of January, 1939:

That Section 10 of the said Act, which is included in Part II thereof, reads as follows:—

“(1) The Board may, subject to the provisions of this Part, license ships to transport passengers and/or goods from a port or place in Canada to another port or place in Canada.

“(2) The licence shall be issued in the name of the owner, lessee or other person entitled to engage in transport by water by means of such ship.

“(3) The licence may apply to one or more ships.

“(4) The Board may in the licence state the ports between which the ship or ships named therein may carry goods or passengers and the the schedule of services which shall be maintained: Provided that the licensee may be authorized to substitute another ship of approximately the same tonnage for a ship named in the licence.

“(5) The Board shall issue a licence in respect of a ship built, building or about to be built, upon being satisfied that the proposed service is and will be required by the present and future public convenience and necessity, and unless the Board is so satisfied no licence shall be issued.

“(6) No licence shall be issued in the case of a ship other than a British ship, hereafter imported into Canada, which was constructed more than ten years before such importation.”

That the Board of Transport Commissioners has advised that it considers that the licence fee for each ship named in every licence issued to water carriers coming within the provisions of Part II of the said Act should be 1 cent per

ton gross tonnage, maximum \$25.00, and that such fee should be also payable with respect to each ship substituted on a licence, unless the Board finds the circumstances do not justify such a charge; the Board being of opinion that such a fee would provide a reasonable and equitable charge in relation to the varying number of ships and facilities of the respective water carriers.

The Minister, therefore, on the advice of the Deputy Minister of Transport, recommends that, pursuant to the provisions of Section 6 (1) of The Transport Act, 1938, approval be given to the fixing by the Board of Transport Commissioners for Canada of the fee payable by water carriers for the issuance, under Part II of the said Act, of a licence permitting ships to transport passengers and/or goods from a port or place in Canada to another port or place in Canada, on the "Great Lakes" as in the said Act defined, at 1 cent per ton gross tonnage, with a maximum charge of \$25.00, for each ship named in every licence issued, and for each ship substituted on any licence unless the Board finds that the circumstances do not justify such a charge.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Sgd.) E. J. LEMAIRE,
Clerk of the Privy Council.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 57025. Feb. 1—Authorizing the C.N.R. to reconstruct existing subway under their railway at Water Street, Oxford, N.S.
- 57026. Feb. 3—Declaring the C.N.R. crossing at mileage 47·52 Cayuga Subdv. protected to Board's satisfaction.
- 57027. Feb. 3—Declaring the C.N.R. crossing at mileage 85·82 Maynooth Subdv. protected to Board's satisfaction.
- 57028. Feb. 1—Authorizing the Dept. of Highways for Ontario to construct a level highway crossing over the Nipissing Central Railway on the Upper Canada Mine Road at mileage 15·1 Kirkland Lake Subdv.
- 57029. Feb. 1—Approving traffic agreement between the Bell Telephone Co. and the Commissioners for the Telephone System of the Municipality of the Townships of Medora and Wood.
- 57030. Feb. 1—*Re* protection at crossing of the highway by the C.P.R. at mileage 85·63 Peterboro' Subdv., County of York, Ont.
- 57031. Feb. 3—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 57032. Feb. 3—Authorizing the C.N.R. to reconstruct bridge over Cedar Creek at Mill St., Woodstock, Ont., etc.
- 57033. Feb. 3—Requiring the C.N.R. to install an additional wigwag and bell at crossing of Ridge Road, Ridgeway, Ont., etc.
- 57034. Feb. 6—Authorizing the C.P.R. to construct a branch line to serve Jordan Brothers at mileage 62·05 Kaslo Subdv.
- 57035. Feb. 7—Declaring the C.N.R. crossing at mileage 62·43 Midland Subdv. protected to Board's satisfaction.
- 57036. Feb. 7—Declaring the C.P.R. crossing at mileage 94·26 Windsor Subdv. protected to Board's satisfaction.
- 57037. Feb. 7—Requiring that the C.P.R. maintain a speed restriction of twenty miles an hour on northbound trains at crossing at mileage 152·26 Portal Subdv.
- 57038. Feb. 7—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 57039. Feb. 7—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Fredericton and Grand Lake Coal and Railway Co. under Sec. 9.
- 57040. Feb. 7—Amending Order No. 51179, dated July 10, 1934, approving tolls published in tariff filed by the Fredericton and Grand Lake Coal and Railway Co.
- 57041. Feb. 7—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Fredericton and Grand Lake Coal and Railway Co. under Sec. 9.
- 57042. Feb. 7—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the Fredericton and Grand Lake Coal and Railway Co. under Sec. 9.
- 57043. Feb. 7—Authorizing the R. M. of Lajord No. 128, Sask., to construct a highway crossing over the C.N.R. at west end of Bechard Yards, Sask.

- 57044. Feb. 7—Authorizing the C.N.R. to operate over two subways on King's Highway No. 20, north of Stoney Creek, Ont.
- 57045. Feb. 7—Approving traffic agreement between the Bell Telephone Co. and the Commissioners for the Telephone System of the Municipality of the Township of Watt.
- 57046. Feb. 7—Approving traffic agreement between the Bell Telephone Co. and the Commissioners for the Telephone System of the Municipality of the Township of Monck.
- 57047. Feb. 8—Approving under Maritime Freight Rates Act, tolls published in supplement to tariff filed by the C.P.R. under Sec. 9.
- 57048. Feb. 7—Authorizing the C.N.R. to operate over trestle over Wolf River, mileage 97·8 Dorion Subdv., Ont.
- 57049. Feb. 9—Declaring the C.P.R. crossing at mileage 49·49 Windsor Subdv. protected to Board's satisfaction.
- 57050. Feb. 9—Declaring the C.P.R. crossing at mileage 8·57 Cardston Subdv. protected to Board's satisfaction.
- 57051. Feb. 9—Approving proposed location of additional storage tank of North Star Oil Ltd., at mileage 25·2 Yorkton Subdv.
- 57052. Feb. 8—Approving proposed location of storage tank, etc., of the McColl-Frontenac Oil Co., Ltd., on C.P.R. property at Sault Ste. Marie, Ont.
- 57053. Feb. 9—Declaring the Ottawa Electric Railway crossing at Strathcona avenue, Westboro, Ont., protected to Board's satisfaction.
- 57054. Feb. 8—Authorizing the C.N.R. to construct a highway crossing at mileage 42·7 Rosburn Subdv.
- 57055. Feb. 10—Declaring the C.N.R. crossing at mileage 69·53 Dunnville Subdv. protected to Board's satisfaction.
- 57056. Feb. 13—Authorizing the N.Y.C. Rly. to file on one day's notice a supplement to its tariff C.T.C. N.Y.C. No. 3651, to correct an error.
- 57057. Feb. 10—Declaring that the movement of all empty cars between the "Joint Premises at Ottawa" and Ottawa West Yard, attached to regular trains of the C.P.R., should be counted according to the true intent and meaning of Sec. 39 of agreement dated Sept. 11, 1918, etc.
- 57058. Feb. 11—Ordering the issuance of licence to the Canadian Airways Limited to transport passengers and/or goods by aircraft between Charlottetown, P.E.I., and Moncton, N.B., etc.
- 57059. Feb. 13—Approving the location of three additional storage tanks of the Hi-Way Refineries Limited near the C.P.R. at Regina, Sask.
- 57060. Feb. 13—Approving proposed location of unloading standard, etc., for Trans-Canada Air Lines at mileage 105·4 Kowkash Subdv., of the C.N.R.
- 57061. Feb. 11—Declaring the C.P.R. crossing at mileage 79·1 Cartier Subdv. protected to Board's satisfaction.
- 57062. Feb. 11—Amending Order No. 54816, dated Sept. 13, 1937, to provide for added cost of reconstructing subway.
- 57063. Feb. 13—Approving supplement to service station contract between Bell Telephone Co. and The Fraser Telephone Co., Ltd.
- 57064. Feb. 10—Declaring the C.N.R. crossing first west of McWatters Station, Que., protected to Board's satisfaction.
- 57065. Feb. 13—Authorizing the C.N.R. to discontinue Glen Ross., Ont., as a flag stop.
- 57066. Feb. 13—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 57067. Feb. 13—Approving proposed location of storage tank, etc., of the Dufresne Engineering Co., Ltd., at Cadillac, Que.
- 57068. Feb. 15—Declaring the C.P.R. crossing at mileage 84·33 Oshawa Subdv. protected to Board's satisfaction.
- 57069. Feb. 16—Approving restricted clearances on one of the sidings serving the Ford Motor Co. Ltd. at East Windsor, Ont.
- 57070. Feb. 15—Rescinding Order No. 54743, dated July 15, 1937, as Order No. 56984, dated Jan. 18, 1939, provides for bell and wigwag protection at crossings.
- 57071. Feb. 16—Authorizing the C.N.R. to electrify the existing mechanically operated gates at crossings of Front and John Streets, Toronto, Ont.
- 57072. Feb. 17—Declaring the C.N.R. crossing at mileage 2·47 Jacques Cartier Subdv. protected to Board's satisfaction.
- 57073. Feb. 16—Relieving the C.N.R. and the C.P.R. from maintaining a signalman at crossing of their respective railways at Headingly, Man., except on Fridays.
- 57074. Feb. 16—Approving details of proposed rebuilding of highway and railway approaches to the Kaministiquia River Bridge of the C.N.R. at Mission Terminals, Fort William, Ont.
- 57075. Feb. 16—Declaring the C.P.R. crossing at mileage 77·95 Shogomac Subdv. protected to Board's satisfaction.

- 57076. Feb. 16—Declaring the C.P.R. crossing at mileage 32·85 Walkerton Subdv. protected to Board's satisfaction.
- 57077. Feb. 17—Declaring the C.N.R. crossing at mileage 0·26 Blaine Lake Subdv. protected to Board's satisfaction.
- 57078. Feb. 20—Approving revised appendix to traffic agreement between the Bell Telephone Co. and The Home Telephone Co., Ltd.
- 57079. Feb. 20—Requiring the New York Central Railroad Co. to install an automatic bell and wigwag at crossing of Highway No. 3, two miles south of Kanawaki, Que.
- 57080. Feb. 21—Authorizing the Quebec Central Railway Co. to file on ten days' notice a supplement to its tariff C.T.C. No. 1139 to correct certain errors.
- 57081. Feb. 20—Declaring the C.N.R. crossing at mileage 5·48 Cornwall Subdv. protected to Board's satisfaction.
- 57082. Feb. 20—Approving under Maritime Freight Rates Act, tolls published in item of supplement to tariff filed by the C.P.R. under Sec. 9.
- 57083. Feb. 17—Approving under Maritime Freight Rates Act, tolls published in item of supplement to tariff filed by the C.P.R. under Sec. 9.
- 57084. Feb. 20—Approving under Maritime Freight Rates Act, toll published in item of tariff filed by the Sydney and Louisburg Railway Co. under Sec. 9.
- 57085. Feb. 20—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 57086. Feb. 21—Declaring the C.P.R. crossing at mileage 32·48 Lachute Subdv. protected to Board's satisfaction.
- 57087. Feb. 21—Approving under Maritime Freight Rates Act, toll published in item of supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 57088. Feb. 16—Approving the abandonment of operation of the C.N.R. Middleton Subdv., between Bridgetown and Granville Centre, N.S.
- 57089. Feb. 21—Declaring the C.N.R. crossing at mileage 32·19 Grimsby Subdv. protected to Board's satisfaction.
- 57090. Feb. 21—Authorizing the Esquimalt and Nanaimo Railway Co. to construct branch line to serve Lake Logging Co., Ltd., at mileage 18·1 Lake Cowichan Subdv.
- 57091. Feb. 21—Declaring the C.N.R. crossing at mileage 2·25 Cowichan Subdv. protected to Board's satisfaction.
- 57092. Feb. 27—Declaring the C.N.R. crossing at mileage 227·0 Jonquiere Subdv. protected to Board's satisfaction, etc.
- 57093. Feb. 23—Authorizing the C.N.R. to reconstruct bridge at mileage 125·3 Gladstone Subdv.
- 57094. Feb. 24—Authorizing the C.N.R. to reconstruct bridge at mileage 116·0 Gladstone Subdv.
- 57095. Feb. 24—Authorizing the C.N.R. to reconstruct bridge crossing the Speed River, on the Canadian Gypsum Company's siding at Guelph, Ontario.
- 57096. Feb. 23—Authorizing the C.P.R. to construct a branch line to serve Lethbridge Collieries, Ltd., in the NW. ¼, Sec. 30, 10, 21, W4M., Alberta.
- 57097. Feb. 24—Authorizing the C.P.R. to construct a branch line to serve the Canadian Gypsum Company, Ltd., at Weston, Ontario.
- 57098. Feb. 24—Authorizing the C.N.R. to reconstruct bridge at mileage 122·7 Gladstone Subdv.
- 57099. Feb. 24—Declaring the C.P.R. crossing at mileage 17·85 Thessalon Subdv. protected to Board's satisfaction.
- 57100. Feb. 27—Authorizing the C.N.R. to operate over Ogden Point ferry slip in City of Victoria, B.C.
- 57101. Feb. 27—Declaring the C.N.R. crossing at mileage 58·4 Newmarket Subdv. protected to Board's satisfaction.
- 57102. Feb. 27—Declaring the C.N.R. crossing at mileage 2·28 Vernon Subdv. protected to Board's satisfaction.
- 57103. Feb. 27—Rescinding Order No. 56412, dated Sept. 15, 1938.
- 57104. Feb. 27—Slightly amending Order No. 18700, dated Feb. 10, 1913.
- 57105. Feb. 27—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 57106. Feb. 28—Authorizing the C.N.R. to operate bridge in the parish of St. Joseph, County of Richelieu, Que., at mileage 44·15 Sorel Subdv.
- 57107. Feb. 28—Authorizing the C.N.R. to operate under bridge on Route No. 14, at mileage 14·5 Rouses Point Subdv.
- 57108. Mar. 1—Authorizing the C.N.R. to discontinue Wellman, Ont., as a flag stop.
- 57109. Mar. 1—Authorizing the C.N.R. to remove station building at Newtonville, Ont.
- 57110. Mar. 1—Approving under Maritime Freight Rates Act, toll published in item of supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 57111. Feb. 28—Authorizing the C.N.R. to install an interlocking plant for the protection of Trent Canal Drawbridge at Gamebridge, Ontario.

THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA

INDEX TO VOL. XXIX

OF

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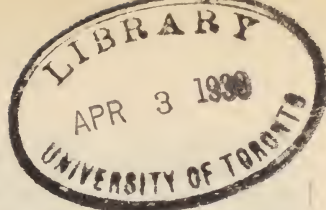
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The Board of

Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 1

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Joint Application of the Canadian Pacific and Canadian National Railway Companies for an Order—

- (a) *Granting leave to abandon operation of that portion of Canadian Pacific Railway Listowel Subdivision, between Linwood (Mile 0·3) and Listowel (Mile 16·5);*
- (b) *Granting leave to construct and operate branch line from Mile 26·54 of Canadian National Newton Subdivision to Mile 16·5 of Canadian Pacific Listowel Subdivision.*

File 39309.12

JUDGMENT

STONEMAN, COMMISSIONER:

This is a joint application, made August 16, 1938, under Section 165-A of the Railway Act and Section 2, subsection 3, of the Canadian National-Canadian Pacific Act, 1933, and all other appropriate statutory provisions (Dominion Acts 1932-33, Chapter 33), and heard by the Board at Listowel on November 22, 1938.

The mileage involved in this application is a portion of the Guelph and Goderich Railway Company incorporated by Act of Federal Parliament in the fourth year of the reign of Edward VII, Chapter 8, 1904. The stock of the railway is held by the Canadian Pacific Railway Company and the railway is operated by the latter company under a nine-hundred and ninety-nine year lease. Order No. 5000 issued on the 9th day of July, 1908, opening for the carriage of traffic that portion of the line from Linwood Junction to Listowel, a distance of 16·1 miles, and has continued in operation since that time.

The Operating and Engineering Departments made an inspection of the mileage on September 1, 1938, and the report, as the result of the inspection is dated September 6, 1938. At the time the inspection was made there were representatives of the railways, the various municipalities, and the Town of Listowel; and, a meeting was held in the station at Linwood at which the various representatives expressed their views of the proposed abandonment and other changes, and are reported to have offered very little objection to the proposal, although several of the municipal officials expressed the view that the notice had been rather short and that as a result it had been difficult to get a

very general opinion of the farmers and landowners adjacent to the line. They were assured that they would be given an opportunity at a later date to appear before the Board and offer any objections they might have.

When the matter was heard, Mr. A. S. Hayden, K.C., of the firm of McCarthy & McCarthy, Toronto, represented the Town of Listowel, and Mr. A. Hamilton, Reeve, appeared for Mornington Township, Mr. C. M. Laidlaw for Elma Township, and Mr. A. L. Fleming for various municipalities. The case for the applicants was presented by Mr. Spence of the Canadian Pacific Railway, assisted by Mr. McDonald for the Canadian National Railways.

Mr. Spence, on page 2123, Vol. 655, part 2, states:—

“We have two railways serving a town and one of these railways could do the business and could do it without serious inconvenience to the public. It is uneconomic to continue operating two railways where one can do the business, providing there is no undue disturbance of the public interest or the interests of the railways themselves. This is one of the cases which the railways decided was precisely of the kind contemplated by the C.N.R.-C.P.R. Act, and as a result we have decided to apply for abandonment under that Act.”

While the application is made under Section 165-A of the Railway Act and Section 2, subsection 3, of the Canadian National-Canadian Pacific Act, 1933, and all other appropriate statutory provisions, in so far as the Board is concerned it comes under Section 165-A of the Railway Act, and will be dealt with as if the application had been made under that section.

Figures were filed with the Board to accompany agreement in regard to the abandonment of Canadian Pacific Railway between Linwood and Listowel and certified by the Joint Co-operative Committee—copy of which had not been furnished to Counsel for the Town of Listowel. These figures show a net operating deficit of \$4,722.58, and a joint saving, if the application was granted, of \$29,078.54 per year. Mr. Hayden requested, and the railways were directed to furnish him with figures showing what their earnings and out-of-pocket expenses were; also, the names of the Joint Co-operative Committee and what positions they occupied in the two railway companies.

Figures were filed, copies sent to Mr. Hayden, and his written submissions were received by the Board February 8, 1939. The figures indicate, very clearly, that the line is being operated at a loss and I think the estimated joint saving in operation of \$29,078.54 per year can be taken as approximately correct.

The question before the Board is whether granting this application would seriously inconvenience the public. Plan C. 8690 shows trackage by both the C.N.R. and C.P.R. at Listowel. This plan shows that the C.N.R. Industrial spur runs in a general easterly and westerly direction south of Elma street, approximately at right angles to the C.P.R. trackage which runs, roughly, north and south between Mill and Wellington streets. The tracks of the two railways are not connected and there are no interswitching facilities. The industries shown on the C.N.R. track are the Maitland Spinning Mills, Ltd., A. Malcolm Furniture Company, and several others not mentioned in the evidence. On the C.P.R. trackage the industries are enumerated as follows: Listowel Casket Co.; A. Shackelton Co.; Blackmore, Hamilton Furniture Co.; J. A. MacIntyre-Gasoline; Pfeffer Milling Co.; Robt. Oliver (Builders Supplies & Fuel); Mrs. K. Kemp (Coal); Cities Service Oil Co. (Ideal Supply Co.); Dri-Milk Co. (City Dairy, Toronto); Maitland Spinning Mills Ltd. (Lease portion of freight shed). It will be noted from the evidence that the Maitland Spinning Mills Ltd. leased a portion of the freight shed on the C.P.R.

The largest shipper is the Malcolm Furniture Company and the second largest is the Maitland Spinning Mills Ltd., both of which factories are now

located on the C.N.R. and any carload shipments now made over the C.P.R. would involve trucking charges to the C.P.R. trackage, which, it is repeatedly stated in the evidence, would involve a cost of about \$15 per car. The same would be true of incoming carload freight, but L.C.L. freight would be delivered at the railways' expense. Both of the above companies were represented at the hearing by their Managers. The third important shipper mentioned is the Dri-Milk Company, who are now located on the C.P.R. trackage. The Manager of this Company was not present at the morning sittings of the Board, and it was suggested by Mr. Hayden, K.C., prior to adjournment, at noon, that he would endeavour to have the Manager of the Dri-Milk Company present at the afternoon sittings, and suggested that in the event of the Manager not being available he would like the Board to allow a statement to be filed—"indicating they are dependent upon the Canadian Pacific Railway Company's facilities, as we have them at the present time, for the shipment of sweet cream."

The Dri-Milk Company, in a letter addressed to Mr. L. A. Fleming, dated December 9th, which has since been filed with the Board, objects to the application being granted, on the ground that the train service on the C.P.R. allows them to deliver their product, in Toronto, at a time that is very desirable, and it would not be possible to deliver the same product, in good condition, if the C.N.R. service was the only railway service available.

The Maitland Spinning Mills, Limited, object to the abandonment on the same ground, that the C.P. railway time tables serve their purpose, but that the C.N.R. time tables would not provide satisfactory service. Mr. Bennett, representative of the Malcolm Furniture Company, when cross-examined by Mr. Spence, admitted that only one carload of their products had been shipped over the C.P.R. in the past three years.

The following are the time tables for the two railways:—

"Passenger Service:

C.P.R.		C.N.R.			
Leave Listowel	Arrive Toronto	Leave Listowel	No.	Arrive Toronto	No.
2.00 p.m.	9.45 p.m.	7.20 a.m.	176	11.10 a.m.	28
		8.30 a.m.	169	3.25 p.m.	6
		9.25 a.m.	168	7.40 p.m.	36
		4.52 p.m.	171	10.35 p.m.	20
Leave Listowel	Arrive Hamilton	Leave Listowel	No.	Arrive Hamilton	No.
2.00 p.m.	8.55 p.m.	8.30 a.m.	169	2.20 p.m.	6
		9.25 a.m.	168	7.55 p.m.	174
		4.52 p.m.	171	9.20 p.m.	16
Leave Toronto	Arrive Listowel	Leave Toronto	No.	Arrive Listowel	No.
8.30 a.m.	12.20 p.m.	7.30 a.m.	29	11.35 a.m.	331
		2.30 p.m.	11	8.17 p.m.	170
		5.40 p.m.	37	9.33 p.m.	177
		11.45 p.m.	9	9.25 a.m.	168
Leave Hamilton	Arrive Listowel	Leave Hamilton	No.	Arrive Listowel	No.
8.55 a.m.	12.20 p.m.	1.00 a.m.	9	9.25 a.m.	168
		6.35 a.m.	173	11.35 a.m.	331
		2.55 p.m.	83	8.17 p.m.	170

Freight Service

	C.P.R.	C.N.R.
Leave Listowel	2.00 p.m.	8.00 p.m. WF
Arrive Toronto	3.30 a.m.	6.00 a.m. 458
Arrive Hamilton	4.30 a.m.	6.00 a.m. 544
Leave Toronto	10.35 p.m.	9.15 p.m. 457
Leave Hamilton	11.30 p.m.	8.15 p.m. 543
Arrive Listowel	12.20 p.m.	8.00 a.m. WF

I think the above time table showing the passenger and freight service indicates, very clearly that, while it might be necessary to readjust their time of shipping goods somewhat, a very satisfactory service is, and will continue to be, rendered by the C.N.R.

The question of interswitching charges was mentioned, on behalf of the Town of Listowel, as one objection to the application being granted. Part (b) of the application makes provision so that all industries will be served by the C.N.R. that are presently served by both companies, and the cost of loading by an industry located on the C.P.R. to a C.N.R. car at present, is such, and the same is true if an industry located on the C.N.R. loaded a car on the C.P.R. trackage, that interswitching charges are certainly a minor charge in comparison with the cost of loading cars, other than on the railway where the industry is located.

I am convinced that very little, if any, inconvenience, will be caused to the Town of Listowel if this application is granted and the connection approved as applied for under Part (b) of the application.

Between Linwood, Mile 0.3 and Listowel, Mile 16.5, a distance of 16.1 miles, the line is to be abandoned, eliminating two stations—Dorking and Tralee. There is at each point a station, a passing track, a stock pen, and privately owned stock scales. The small village at each of these points is situated not on the railway but on the highway a short distance to the north, as can be seen on map of the district on file. The earnings for the two stations are on file and are shown in Exhibit No. 4. The statement covers a period from 1935 to September 1938, and indicates that earnings at the two stations make a grand total of \$4,373.06 forwarded, and \$2,268.67 received. Exhibit 3 is a statement of the Public Commercial Vehicle Operators in Linwood-Listowel area from figures supplied by the Ontario Department of Highways, September, 1938, and shows within a 15 mile radius of Linwood-Listowel line 209 commercial vehicle operators licensed, and shows within a 20 mile radius of Linwood-Listowel line 346 commercial vehicle operators licensed. These figures do not include operators stationed outside the area with rights of operation within it, and do not include privately operated trucks.

Both in the report of the Operating and Engineering Departments of the Board, dated September 6, 1938, and in the evidence, it is clear that good roads are available in the whole territory and trucks have become keen competitors for traffic.

I find that, viewed from the standpoint of whether the public, in this territory, would be seriously inconvenienced, if the application were granted, that little or no serious inconvenience will result. In my opinion, the railways should be granted leave to abandon operation of the line under Part (a) of the application, and granted leave to construct and operate the branch line, as applied for, in Part (b) of the application. Order should go accordingly.

OTTAWA, February 17, 1939.

The Assistant Chief Commissioner and Commissioner Stone concurred.

ORDER No. 57141

In the matter of the joint application of the Canadian Pacific Railway Company and the Canadian National Railway Company (a), under Section 165A of the Railway Act and Section 2, subsection 3, of The Canadian National-Canadian Pacific Act, 1933, for approval of the abandonment of operation of that portion of the Canadian Pacific Railway Company's Listowel Subdivision commencing at Linwood, mileage 0.3, and thence in a north and westerly direction to Listowel, mileage 16.5; (b), under Sections 181, 182, 252, and 256 of the Railway Act, for an Order authorizing the Canadian National Railway Company to construct, maintain, and operate a branch line of railway from mileage 26.54 of their Newton Subdivision to mileage 16.5 of the Canadian Pacific Railway Company's Listowel Subdivision, as shown on the plan, profile, and book of reference combined No. C-8690 dated Toronto, August 12, 1937, on file with the Board under file No. 39309.12; and (c), under Section 16, subsection 5, of The Canadian National-Canadian Pacific Act, 1933, for approval of agreement dated January 15, 1938, between the said Companies.

File No. 39309.12

WEDNESDAY, the 8th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Listowel, November 22, 1938, in the presence of Counsel for the Canadian Pacific Railway Company, the Canadian National Railways, and the Town of Listowel and representatives of the Townships of Mornington and Elma, and what was alleged; publication of notice of the application being hereby dispensed with—

It is ordered as follows:—

1. That the abandonment of operation of that portion of the Canadian Pacific Railway Company's Listowel Subdivision commencing at Linwood, mileage 0.3, and thence in a north and westerly direction to Listowel, mileage 16.5, be, and it is hereby, approved, subject, as to that portion between mileage 15.88 and mileage 16.5, to the provisions of the said agreement dated January 15, 1938, between the Canadian National Railway Company and the Canadian Pacific Railway Company, on file with the Board under file No. 39309.12.

2. That the Canadian National Railway Company be, and it is hereby, authorized to construct, maintain, and operate a branch line from mileage 26.54 of its Newton Subdivision to mileage 16.5 of the Canadian Pacific Railway Company's Listowel Subdivision, and to cross Reserve Street at Listowel, Ontario, as shown on the said plan, profile, and book of reference combined on file with the Board under file No. 39309.12.

3. That the proposed branch line be constructed and completed within six months from the date of this Order; and that the proposed highway crossing be constructed in accordance with the Standard Regulations of the Board Affecting Highway Crossings.

4. That the said Agreement between the Canadian National Railway Company and the Canadian Pacific Railway Company, dated January 15, 1938, including plan dated Montreal, November 24, 1937, showing the proposed connection of the tracks of the Canadian National Railway Company with tracks of the Canadian Pacific Railway Company and the Canadian Pacific facilities at Listowel, Ontario, to be leased to the Canadian National Railway Company, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

Joint application of Canadian National Railways and Canadian Pacific Railway Company for an Order authorizing (a) abandonment of operation of that portion of Canadian National Railways Middleton Subdivision from Middleton Junction to Bridgetown, Mile 53.21 to 68.00; (b) construction and operation by Canadian Pacific Railway of branch line from Mile 42.92 of its Kentville Subdivision to Mile 67.08 Middleton Subdivision of Canadian National Railways; and (c) approval of agreement between Canadian National and Canadian Pacific Railways, dated January 15th, 1938.

File 39310.25.1

JUDGMENT

STONEMAN, COMMISSIONER:

As a matter of record, there are two applications before the Board involving abandonment of line between Bridgetown and Granville Centre, a distance of 7.63 miles, and Middleton Subdivision from Middleton Junction to Bridgetown.

Under chapter 82 of the Statutes of Nova Scotia, 1897, a charter was issued to the Granville and Victoria Beach Railway Company. Under chapter 160 of the Nova Scotia Statutes of 1901 the name of the above railway was changed to the Middleton and Victoria Beach Railway, the location of the Middleton and Victoria Beach Railway approved by the Department of Railways and Canals for subsidy purposes from Middleton to Victoria Beach on March 17, 1902, and revised location filed from Middleton to Bridgetown on August 25, 1903. This line was completed and put in operation in 1907, and the line was then taken over and operated by the Halifax & Southwestern Railway, a subsidiary company of the Mackenzie-Mann Company, which in turn became part of the C.N.R. in 1914. This is a rough history of the line previous to the present applications for abandonment which are before the Board.

Cost to rehabilitate branch line from Middleton, Mile 53.21, to Bridgetown, Mile 68.00. Under date of September 1, 1938, there is on file 39310.25.1, a copy of detailed estimate made by L. H. Robinson, C.N.R. Divisional Engineer at Halifax, to rehabilitate the line from Middleton Junction to Bridgetown wye at a cost of \$93,493.51. This covers the complete renewal of all track ties, 50 per cent of the switch ties, all culverts and bridges, 1,700 cubic yards per mile of ballast, and approximately 50 per cent of all fencing on the line.

In Divisional Engineer Kydd's report of September 13, 1938, on the abandonment of the C.N.R. line from Middleton Junction to Bridgetown, he refers, under the heading of "Condition of line proposed to be abandoned," to a statement by Mr. Condon, Regional Chief Engineer of the Canadian National Railways, that at least \$50,000 would have to be spent within the next year to maintain and operate this line. Reference is also made in the minutes of the Board's hearing at Bridgetown, N.S. October 19, 1938, on page 2024, to this matter, in which Mr. Rand states "I would like to ascertain from Mr. Condon what expenditure would be necessary if this operation is continued. He tells me that culverts, bridges and ties are very bad and they could not go through the new year without spending around \$40,000." I am advised by the Engineering Department that this matter has been discussed with Divisional Engineer Kydd, who was over the line last September, and from his discussion it is clear that an expenditure of at least \$40,000 at once and maintenance cost above normal for probably five years would be necessary to put this line in shape for operation and properly maintain it.

In Mr. Robinson's estimate for rehabilitation of these two portions of the line it is evident that the immediate expenditures suggested are not necessary but would be covered by extra maintenance over a period of from five to seven years. No doubt during the first year expenditures up to \$50,000 might have to be made and after that for a period of five years at least maintenance

should not exceed \$400 per mile above normal. Normal maintenance on a line of this kind should not exceed \$600 per mile. It would be quite unnecessary to maintain this line above branch line standard due to the light traffic and slow speed at which trains would be operated.

While there appears to be difference of opinion as to the exact amount of money it would be necessary to provide this year if the line was to continue operation, it is clear that \$40,000 would be the least, and that for the next five or six years maintenance necessary to bring the line up to branch line standard would be approximately \$1,000 per mile.

The statement was made at the hearing that this line was operating at a small profit, but I feel sure that if the line had been maintained at the proper standard a deficit might have been shown.

Application is made by the Canadian National Railways and the Canadian Pacific Railway Company for an order under Section 165 (a) of the Railway Act and Section 2, subsection (3), of the Canadian National-Canadian Pacific Act 1933, and all other appropriate statutory provisions, granting the Canadian National Railways leave to abandon the operation of that portion of its Middleton Subdivision commencing at Middleton Junction, Mile 53.21, and thence in a southerly and westerly direction to Mile 68.00; and under Sections 180, 181, 182, 252 and 256 of the Railway Act permitting the Canadian Pacific Railway Company to construct and operate a branch line from Mile 42.92 of the Canadian Pacific Kentville Subdivision to Mile 67.08 of the Canadian National Middleton Subdivision, as shown on plan dated Montreal, April 21, 1938.

The country through which the Canadian National line runs between Middleton and Bridgetown is a mixed farming country but the only farm product stressed at the hearing was apples. The valley lies between the North and South mountains. Most of the orchards along the Canadian National line are north and at the foot of the North mountain. The Canadian National line is generally about two miles north of the Dominion Atlantic but both lines come close together at Middleton and Bridgetown. Between Middleton and Bridgetown there are four sidings with an apple warehouse at each. The apples are graded and packed in the warehouse and loaded into cars on the siding at the warehouse for shipment. There are no other facilities on railway trackage and no towns are located at any of the points. The evidence shows that the co-operative owners of warehouses also handle fertilizer.

The objections to abandonment of the line as presented to the Board at the hearing on the 19th of October, 1938, might be summarized under five main headings:—

Loss because the warehouses would no longer serve the purpose for which they were built as presently located;

That frost damage would be liable to occur if an attempt were made to move the apples during the winter months from the warehouse to stations on the D.A.R.;

That snow conditions are such in the territory that roads are impassable for long periods during the winter months;

That freight rates would be increased if the line were abandoned.

Objection was taken also to the construction of a connecting branch from the D.A.R. to the town on the ground that the proposed siding crosses the main line paved highway between Middleton and Bridgetown which is contrary to the policy of eliminating level crossings.

At the bottom of page 2042, volume 654, and pages following, the transcript of evidence will show that Mr. Roscoe, K.C., appearing for the United Fruit Growers Ltd., of Nova Scotia, was asked if in view of the fact that none of the witnesses had experience in transporting fruit under frost conditions it would be fair to ask the Fruit Section of the Department of Agriculture at Ottawa to furnish information with regard to the temperatures at which apples might be moved without damage.

Mr. R. L. Wheeler, Asst. Director of Fruit and Vegetable Division, Department of Agriculture, Ottawa, was asked to give the Board—

1. Any information available as to whether any of the Annapolis Valley packing houses are located any distance off rail and consequently have to team or truck their apples for carloading.

2. If so, the following details for each such warehouse:

- (a) Distance to carloading point;
- (b) Trucked or teamed particularly in winter months;
- (c) Total annual volume approximate;
- (d) Approximate proportion thereof shipped after December 1;
- (e) Briefly what covering or protection is used for apples in transit from packing house to car and what is generally considered a safe outside temperature for each such movement.

On November 7, 1938, Mr. Wheeler wrote the Board in the following terms:—

“Attached are copies of a letter of November 4 from our District Inspector, S. B. Marshall, Middleton, N.S., and reports submitted to him by the four Supervisors in the Annapolis Valley after my letter of October 24, copy to the Board, soliciting certain information *re* apple packing houses located off rail.

“I trust the information will prove of some assistance for your purpose.”

The information given in the six letters in reply is as follows:—

“With reference to your inquiry of October 26, *re* warehouses off rail, the Belle Isle Fruit Company is the only warehouse concerned in my district, to which the following information applies:

- (a) Belle Isle Fruit Co.—about nine miles;
- (b) Trucked or teamed, depending upon condition of roads—some winters all teamed;
- (c) 3,000 to 6,000 barrels;
- (d) About 75 per cent shipped after December 1;
- (e) Generally no covering—when teamed 20 degrees above zero.”

“In reply to your letter of the 28th inst. The following are answers to your inquiry *re* packing houses off rail line:

1. Owner of warehouse—Geo. Woolaver, Blomidon, N.S.

- (a) 8 miles.
- (b) 90 per cent fruit moved by truck. Remainder hauled by team during winter months when roads are impassable for trucks.
- (c) 2,500 barrels.
- (d) 35 per cent.
- (e) Mr. Woolaver states that he has never loaded cars when outside temperature was 18 degrees or lower. He also considers loading cars by truck is safe at temperatures around zero. No cover protection used in transit. Cars heated before loading.”

“In reply to your letter of the 28th inst. The following are answers to your inquiry *re* packing houses off rail line:

1. Owner of warehouse—L. S. Macoun, Woodside, N.S.

- (a) $2\frac{1}{2}$ miles.
- (b) 75 per cent hauled by truck, remainder by team.
- (c) Approximately 6,000 barrels.

- (d) 50 per cent.
- (e) Mr. Macoun states that he uses blankets and tarpaulins over packages from packing house to car, also heater used in car before loading. He considers loading under these conditions safe at zero temperature."

"In reply to your letter of the 28th inst. The following are answers to your inquiry *re* packing houses off rail line:

- 1. Owner of warehouse—Warren Eaton, Canning, N.S.
- (a) 2 miles.
- (b) Trucked.
- (c) 3,500 barrels.
- (d) 30 per cent.
- (e) Mr. Eaton states that he has loaded apples safely at zero temperatures but large percentage of fruit trucked at temperatures from 15 to 20 degrees. No cover protection used in transit."

"In reply to your letter of the 28th inst. The following are answers to your inquiry *re* packing houses off rail line:

- 1. Owner of warehouse—W. T. Ells, Woodside, N.S.
- (a) 3 miles.
- (b) Practically entire crop hauled by truck.
- (c) Approximately 10,000 barrels.
- (d) 40 per cent.
- (e) Mr. Ells considers that fruit can be safely loaded at zero temperature. No cover protection used in transit. Heaters used in cars before loading."

"Reference enquiry of October 26th inst., there are four quite large packing houses in my district located off-rail, they are R. W. Chase, Church St., N.S., Charles Woodworth, Church St., N.S., A. R. Sterling, Wolfville, N.S., and E. D. Haliburton, Avonport, N.S., also few other small ones that are generally packed out before December 1.

- (a) R. W. Chase, about 2 miles from rail.
- (b) Trucked or teamed according to condition of roads.
- (c) From four to six thousand barrels.
- (d) About fifty per cent shipped after December 1.
- (e) Generally no covering used, anything above 15 degrees above zero; this depends whether calm or windy, if windy temperature must be higher.
- (a) Charles Woodworth, about 2½ miles from rail.
- (b) Trucked or teamed according to condition of roads.
- (c) From seven to ten thousand barrels.
- (d) About seventy-five per cent shipped before December 1.
- (e) Same as the one above applies.
- (a) A. R. Sterling, one mile from rail.
- (b) Trucked or teamed according to roads.
- (c) From three to six thousand barrels.
- (d) About fifty per cent shipped after December 1.
- (e) Same as above applies.
- (a) E. D. Haliburton, about one mile from rail.
- (b) Trucked or teamed according to roads.
- (c) From seven to ten thousand barrels.
- (d) About fifty per cent shipped after December 1.
- (e) Same as above applies."

With regard to the question of increased freight rates, Mr. J. A. Hanway, K.C., appearing on behalf of the town of Bridgetown, the town of Middleton and local fruit companies, raised this question when the matter was being heard, and was advised that the question of rates would be submitted to our Chief Traffic Officer (Director of Traffic). In a memorandum, dated January 23, Mr. Campbell states as follows:—

“Following my memorandum to you of November 26 I have had discussion and correspondence with the Canadian Pacific and Canadian National Railways with reference to changes in freight rates resulting from the granting of application to abandon line of the Canadian National Railways from Middleton to Bridgetown. I told them at a conference in Montreal, on December 1st that I considered there should be rate readjustment made which would very materially reduce the estimated increase. I have to-day received a joint communication from the railways outlining the rate readjustment they are prepared to make upon abandonment. I am not here embodying the details, which are lengthy, but the particulars are on my file for reference.

“There will be no increased rates for the heavy movement of apples to Halifax for export. There will be no increase in the rate on coal from Springhill to Bridgetown. There will be some rate decreases caused by the fact that where consignees have heretofore received or forwarded traffic from or to Canadian National stations, they will after abandonment handle such traffic at cross-country D.A.R. stations, and owing to the generally shorter mileage of the D.A.R. in this territory the rates will be lower though the consignees or shippers will be put to some slight additional expense for cartage, depending upon their location. There will be some rate increases on articles which have moved between points on the proposed abandoned line and other stations on the Canadian National Railways which is a single line movement and which in future would be a joint two-line movement to contiguous points on the D.A.R. upon a slightly higher basis. Such traffic consists of sporadic shipments of lumber, forest products, tin cans, hay, seed, oats. However, it is believed with respect to a large proportion of this traffic that the movement would be shifted to local points on the D.A.R. so as to avoid any increase in rates. For example, poles for the electric light and power company operating in that territory could no doubt be just as readily distributed from Middleton and avoid the increase in rate to Bridgetown.”

With regard to the objection taken because of construction of the proposed connection from the D.A.R. to the town of Bridgetown, Mr. Hanway, in written submissions for the town of Bridgetown to the Board, dated October 25, 1938, *re* opening of the C.N.R. line Middleton Junction to Bridgetown and the construction of a connecting branch from the D.A.R. to the town, in paragraph 2 states:—

“The proposed siding suggested crosses the main line paved highway between Middleton and Bridgetown which is contrary to the policy of eliminating level crossings. This proposed crossing would be one of the most dangerous sections of the highway. There are curves approaching the crossing in both directions and in addition the crossing is in a hollow which makes it doubly dangerous.”

This matter was drawn to the attention of Mr. McColough of the Highways Department of Nova Scotia and Mr. Walker of the Canadian Pacific Railway in the Board's letters of November 12, 1938, and on November 15 Mr. McColough replied, in part, as follows:—

"Referring to your letter of November 12 *re* the above, under any condition we would not approve of the crossing unless protection was provided."

In Mr. Walker's submissions, dated December 15, 1938, which include the plan and profile of the crossing, he states that the estimated cost of bell and wigwag at this crossing would be \$1,800. At the same time he states that railway traffic on this spur would be very light, not more than one return movement per day. The railway, he states, are agreeable to flagging all train movements over this crossing and, therefore, sees no necessity for protection by bell and wigwag.

Mr. McColough, in further letter of December 22, states definitely that irrespective of the amount of traffic his department would not concur in a grade crossing on a trunk highway without the crossing being protected by automatic signals without cost to his department. He further states that he has not received a copy of the plan and profile. Mr. Walker in his letter of December 28 states that a copy of the plan and profile had been forwarded to Mr. McColough, and further states that in view of the circumstances set out in his letter of December 15 and the fact that they are prepared to stop their trains and flag them over the crossing, they do not consider there is any necessity for an automatic signal at this point.

In a further letter from Mr. McColough, dated February 8, he states:—

"We wish to co-operate in this matter, and approve of the application. However, before we can do so we will have to have additional information. You will note that the proposed highway crossing is at the intersection of two down grades in the highway.

"The plan dated November 23, 1938, did not give sufficient information. We would like to have profile of highway extended and sight lines shown on the plan and profile, that is, I would like to know what the range of visibility would be having regard to both the profile and the plan."

A copy of this letter was forwarded to Mr. Walker. Plan and profile were filed with the Board in a letter dated February 22 advising that copies of the letter and plan had been sent to Mr. McColough. Mr. McColough advises the Board, in a letter dated March 1, that he has received a copy of Mr. Walker's letter, dated February 22, to the Board, together with plan with the profile of the highway extended, and sight lines, but refuses to consent to the crossing unless protection is provided.

There is one other point that was raised at the hearing, namely, the difficulty in hauling fertilizer in the spring of the year. It is stated that the condition of the roads is such that it would be difficult, if not impossible, to transport fertilizer in the spring of the year when it has to be used in the orchards. I suggest a brief answer to this objection is that surely when fertilizer can be distributed on cultivated lands it can be hauled over a highway.

Mr. Rand, appearing on behalf of the applicants, states this is a joint application of the railways under the C.N.R.-C.P.R. Act wherein the railways are directed to co-operate and eliminate duplication, and argues that this is a case wherein elimination of duplication can be made with very little, if any, inconvenience to the public. Abandonment of the mileage involved and elimination of duplication would mean a joint saving of, roughly, \$15,000 per year in operating adequate transportation facilities for those that have been previously served by the two railways. In no case would shippers have to haul a greater distance than five miles to reach shipping facilities on the D.A.R. He admits that there is a slight surplus in operation but stresses that the saving that can be made is such that the application should be granted.

No matter what the railways may have been directed to do under the C.N.R.-C.P.R. Act, in so far as the Board of Transport Commissioners is concerned the application comes under Section 165 (a), and in this case I propose to deal with the application from the standpoint as to whether the public affected would be seriously inconvenienced if the application were allowed.

I have said that the objections fall under five main headings, namely, loss in connection with warehouses; frost damage in delivering apples to railway facilities; conditions of the road; freight rates; and crossing the highway. The first three objections might be dealt with as one. Mr. Wheeler, Assistant Director of Fruit and Vegetable Division, Department of Agriculture, Ottawa, was asked to give the Board certain information that the Board felt might be of assistance. I have given the information in detail as it was supplied to the Assistant Director of the Fruit and Vegetable Division by his Inspectors located in the Annapolis Valley, and it seems clear from the information that apples are being transported safely during the winter months both by team and truck much greater distances than would be necessary in this case.

The rate situation will involve some readjustments on the part of shippers, some decreases and some increases, but I think it is clear from the memorandum of the Board's Director of Traffic that there will be no substantial but rather a very slight, if any, increase in rates to the shippers affected.

In so far as the objection to construction of the necessary branch to connect the D.A.R. with the C.N.R. facilities at Bridgetown is concerned, in view of the fact that the plan and profile filed with the Board February 22 show sight lines of at least 300 feet and that there will only be one train movement each way per day and the railways state they are willing to stop that train and flag it over the crossing, I feel sure that no serious hazard will be created in so far as the travelling public are concerned.

There is one more matter that has arisen since the application was dealt with, namely, a station agent has asked that he be compensated under Section 179 of the Act because of loss that he will sustain if the application is granted. I propose to do nothing other than mention the receipt of this letter in this judgment, and point out to the applicant that his case could not be dealt with until decision is rendered in the main application, but if he cannot obtain satisfactory adjustment with the railway company he is privileged to apply to the Board under Section 179.

Some reference to compensation to the owners of warehouses has been made, also compensation with regard to contributions that were made on the part of the county of Annapolis and the town of Bridgetown to the cost of the branch line of railway involved. Dealing with this matter purely from the standpoint of whether or not the public would be seriously inconvenienced if this application were granted, I find that the public would not be seriously inconvenienced and feel that the application should be granted reserving any rights the parties may have in so far as compensation is concerned in courts of competent jurisdiction.

The station agent who has made application may, if satisfactory adjustments cannot be made with the company, come to the Board under Section 179 of the Act.

Order should go granting the application to abandon operation of that portion of Canadian National Railways Middleton Subdivision from Middleton Junction to Bridgetown, Mile 53.21 to 68.00, and to construct and operate, by the Canadian Pacific Railway, a branch line from Mile 42.92 of its Kentville Subdivision to Mile 67.08 Middleton Subdivision of the Canadian National Railways.

March 4, 1939.

Commissioner Stone concurred.

ORDER No. 57130

In the matter of the joint application of the Canadian National Railway Company and the Canadian Pacific Railway Company (a), under Section 165A of the Railway Act and Section 2, subsection 3, of The Canadian National-Canadian Pacific Act, 1933, for approval of the abandonment of operation by the Canadian National Railway Company of that portion of its Middleton Subdivision commencing at Middleton Junction, mileage 53·21, and thence in a south and westerly direction to mileage 68·00; (b) under Sections 181, 182, 252, and 256 of the Railway Act, for authority to construct, maintain, and operate a branch line from mileage 42·92 of the Canadian Pacific Railway Company's Kentville Subdivision to mileage 67·08 of the Canadian National Railway Company's Middleton Subdivision, as shown on the plan, profile and book of reference combined dated 21st April, 1938—deposited in the Registry Office for the County of Annapolis, at Bridgetown, Nova Scotia, on July 7, 1938, as No. 11972; and (c), under Section 16, subsection 5, of The Canadian National-Canadian Pacific Act, 1933, for approval of an agreement dated January 15, 1938, between the Canadian National Railways and the Canadian Pacific Railway Company.

File No. 39310.25.1

TUESDAY, the 7th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Bridgetown, Nova Scotia, on October 19, 1938, in the presence of Counsel for the Canadian National Railways, Canadian Pacific Railway Company, the County of Annapolis, the Towns of Bridgetown and Middleton, and the United Fruit Companies of Nova Scotia Limited, and what was alleged; and upon reading the further written submissions filed—publication of notice of the application being hereby dispensed with—

It is ordered as follows:—

1. That the abandonment of operation of the portion of the Canadian National Railway Company's Middleton Subdivision commencing at Middleton Junction, mileage 53·21, and thence in a south and westerly direction to mileage 68·00, in the Province of Nova Scotia, be, and it is hereby, approved, subject, as to that portion between mile 65·62 and mileage 67·08, to the provisions of the said agreement dated January 15, 1938, between the Canadian National Railway Company and the Canadian Pacific Railway Company, on file with the Board under file No. 39310.25.1.

2. That the Canadian Pacific Railway Company be, and it is hereby, authorized to construct, maintain, and operate a branch line from mile 42·92 Kentville Subdivision to mile 67·08 of the Canadian National Middleton Subdivision, and to cross the highway on the proposed connection between the said railways at Bridgetown, Nova Scotia, as shown on the said plan, profile, and book of reference combined on file with the Board under file No. 39310·25·1; the proposed branch line to be constructed and completed within six months from the date of this Order.

3. That all trains operated over the said proposed highway crossing come to a stop before proceeding over the crossing and be flagged across.

4. That the agreement entered into between the Canadian National Railway Company and the Canadian Pacific Railway Company, dated 15th January,

1938, including plan dated Montreal, 11th January, 1938, showing the proposed connections of the tracks of the Canadian Pacific Railway Company with tracks of the Canadian National Railway Company and the Canadian National facilities near Bridgetown, Nova Scotia, to be leased to the Canadian Pacific Railway Company, on file with the Board under file No. 39310-25-1, be, and it is hereby, approved.

5. That the proposed highway crossing be constructed in accordance with the Standard Regulations of the Board Affecting Highway Crossings.

H. GUTHRIE,
Chief Commissioner.

Consideration of the question of protection to be provided at the crossing of Mill Street, Acton, Ontario, by the Canadian National Railways; and the apportionment of the cost thereof.

(File No. 26711.594)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This matter was heard at a sitting of the Board held in Toronto on February 21, 1939, in the presence of a representative of the Department of Highways of the Province of Ontario and of counsel for the Canadian National Railways and the village of Acton.

In the year 1936 an accident occurred at the crossing of Mill street by the Canadian National Railways, in the village of Acton. Mill street is one of the streets of the village upon which there is considerable local and through traffic, and it is crossed by the Canadian National Railway tracks at a point immediately east of the railway station at Acton. After the above-mentioned accident, the Board sent one of its inspectors to make an examination of the crossing.

It appears that during the winter of 1937 another accident occurred at this crossing, which did not result in personal injury although it did result in damage to a motor car, and the general feeling in regard to the latter accident seems to be that the owner of the car was alone to blame for the accident and that no blame was attributable to the Canadian National Railways.

The village of Acton has a population of between 1,800 and 1,900. Ontario Highway No. 7 runs through the village, and the crossing in question is upon this highway at the easterly end of the village. There are not many residents of the village living to the east of Mill street, and the traffic on Mill street at the point of crossing is to a large extent through traffic from Guelph to Toronto. The tax rate in the village at the present time is 46 mills on the dollar, and the village authorities do not consider that they should be asked to contribute any part of the cost of protecting this crossing. The Chief Engineer of the Department of Highways of the Province of Ontario expressed willingness to grant a contribution towards the cost of installing protection at this crossing should the Board order same, but counsel for the Canadian National Railways strongly opposed any expenditure at this point, chiefly, on the ground that the railway traffic over the crossing is light and that all trains stop at the station almost immediately adjoining the crossing, except three fast trains which do not stop at Acton. Counsel for the railway company also maintained that all switching movements over the crossing are protected by a flagman, and there is little or no danger at the crossing, except in respect of the three trains which do not stop at Acton.

Counsel for the municipality objected to any expenditure whatever on the part of the village of Acton, claiming that the village could not afford to make a grant towards the cost of protection at this crossing; that it would be of little or no benefit to the residents of Acton, and that the danger at the crossing is exceedingly slight.

Upon the hearing, it became apparent that none of the parties interested in the matter considered additional protection necessary at this crossing. It appeared to be a matter of agreement that, if all switching movements over the crossing were flagged, and the speed of all through trains were limited to twenty-five miles per hour, the crossing could not be considered a dangerous one, and that the expenditure of any considerable sum of money would not be warranted.

Under the above circumstances, the Board is of opinion that if an order be made requiring all switching movements over the crossing to be flagged, and the speed of all trains which do not stop at Acton station to be limited to twenty-five miles an hour when passing over the crossing, reasonable protection will be afforded in respect of the crossing on Mill street and that, for the present, no further protection should be ordered.

The order of the Board should be made accordingly.

March 11, 1939.

The Assistant Chief Commissioner and Commissioner Stoneman concurred.

ORDER No. 57165

In the matter of the accident on December 20, 1937, at the crossing of Mill Street by the Canadian National Railways, in the Village of Acton, Province of Ontario; and the consideration of the question of the protection to be provided at the said crossing and the apportionment of the cost thereof.

File No. 26711.594

TUESDAY, the 14th day of March, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Toronto, February 21, 1939, in the presence of counsel for and representatives of the Village of Acton, the Department of Highways for the Province of Ontario, and the Canadian National Railways, and what was alleged;

And whereas, in accordance with the requirements of Section 309 of the Railway Act, a speed limitation of ten miles an hour has been in effect since the date of such accident;

And whereas the Board is now satisfied that the said crossing is sufficiently protected,—

Therefore it is declared that the said crossing is protected to the satisfaction of the Board.

And it is ordered: That all switching movements over the said crossing be flagged across; and that the speed of all trains which do not stop at Acton Station be limited to a rate not exceeding twenty-five miles an hour when passing over the crossing.

H. GUTHRIE,
Chief Commissioner.

Application of the Dominion Joint Legislative Committee, Railway Transportation Brotherhoods, for an Order to amend Rule 3 of the General Train and Interlocking Rules, by changing the periodic inspection of watches from semi-monthly to monthly, with inspections to be between the fifteenth and twenty-fifth of each month.

File 4135.156.

Heard at Ottawa, Ontario, December 1, 1938

JUDGMENT

STONE, COMMISSIONER:

This application was made on April 27, 1938, by the Joint Legislative Committee of the Railway Transportation Brotherhoods, on behalf of the employees represented by the Brotherhood of Locomotive Engineers; the Brotherhood of Locomotive Firemen and Enginemen; the Order of Railway Conductors; the Brotherhood of Railroad Trainmen; the Order of Railroad Telegraphers and the Brotherhood of Maintenance of Way Employees, for an Order of the Board amending Rule 3 of the General Train and Interlocking Rules, so as to permit of the periodic inspection of watches monthly, instead of semi-monthly, such monthly inspection to be between the 15th and the 25th of each month.

Upon receipt of this application, the matter was referred to the Railway Association of Canada for its submissions and that body, after conference with its member railway lines, filed objections to the proposed amendment to Rule 3.

Thereafter, the question was, at the request of the applicants, set down for public Hearing, and was heard at Ottawa on December 1, 1938, all the interested parties being represented.

Supported by Vice Presidents, Legislative Representatives and General Chairmen of the various Railway Transportation Brotherhoods, Mr. A. J. Kelly, Chairman, Mr. W. L. Best, Secretary of the Dominion Joint Committee of the said Brotherhoods, and Mr. H. B. Chase, Assistant Grand Chief Engineer and Dominion Legislative Representative of the Brotherhood of Locomotive Engineers, appeared on behalf of the Applicants.

Mr. C. P. Riddell, General Secretary of the Railway Association of Canada, Mr. K. D. M. Spence, Counsel for the Canadian Pacific Railway, and Mr. N. Kingsmill, K.C., Counsel for the Michigan Central Railroad, appeared on behalf of the railway companies. The Canadian National Railways was not represented, but Mr. Spence explained that the representations made on behalf of the Canadian Pacific Railway Company applied equally to the Canadian National Railways (Evid. Vol. 655; p. 2279).

Mr. W. L. Best opened the case on behalf of the Applicants; he was followed by Mr. H. B. Chase and Mr. A. J. Kelly. Their claims as advanced are summarized as follows:—

(1) That the inspection of watches by a designated Inspector more frequently than once each month is entirely unnecessary for the safety of train operation.

(2) That inconvenience is caused to the employees concerned, in being compelled to take their watches to a designated Inspector for inspection semi-monthly.

(3) That the employees engaged in the operation of trains are directly affected and, therefore, are more concerned with the reliability of their watches and in maintaining accuracy of time, than are the officers of the railway companies.

(4) That the change proposed in Rule 3 is in harmony with the change already made in the watch inspection rules of the Pere Marquette and the Michigan Central railroads.

(5) That the rules were imposed on the employees, without their consent, many years ago.

(6) That discipline is administered to employees who fail to submit their watches for semi-monthly inspection, as required by Rule 3.

(7) That operating rules on the Canadian National Railways and on the Canadian Pacific Railway should be made to harmonize, as employees in some cases, operate on both railways.

In rebuttal, Mr. Spence referred to the provisions of Section 287 of the Railway Act, whereby the Board is authorized to issue rules and regulations for the protection of the public and employees, and for the protection of property, but he submitted that this did not preclude the railway companies from issuing additional rules for safeguarding railway operation.

Mr. Riddell contended that the subject matter of this application had not been discussed by the applicants with the officials of the Canadian National Railways and the Canadian Pacific Railway; that, while the Railway Association of Canada had not objected to the modification of similar rules by the Michigan Central Railroad and the Pere Marquette Railway, until such time as the Canadian National and the Canadian Pacific Railways came to the Board of their own volition, or after conference with their employees, he submitted that any change in the present rules would be unreasonable. He stated,— (Evidence; Vol. 655; pp. 2307-2308).

“... I do not think it is reasonable for this Board to say to the Canadian National Railways and the Canadian Pacific Railway that while you are responsible for the safe operation of your trains and the efficient operation of your trains, that while you are liable in the event of loss or damage, personal injuries and injuries to property, that you must, against your better judgment, modify a safety regulation that you consider is very important to maintain in the interests of safety; that you must modify that; on what ground? On the ground that it is solely an inconvenience to certain employees to carry out that rule and regulation. When I say ‘solely’ I mean just exactly that.”

Mr. Riddell stated further that watch inspection rules in the United States were not uniform. Railways such as the Baltimore and Ohio, the Chesapeake and Ohio, the Southern Pacific and the Northern Pacific require semi-monthly watch inspection. He submitted that the cost of watch inspection on Canadian railways was maintained by the railway companies and he objected strenuously to the granting of the application on the grounds of safety to the public, employees and property, as opposed to inconvenience occasioned to some employees.

Subsequent to the Hearing, Mr. W. L. Best filed a statement of applications previously dealt with by the Board on behalf of railway employees. A careful check of the various files bearing on the cases referred to shows that safety in operation was the predominant feature that predicated the judgments of the Board and the implementing Orders that issued, some of which entailed considerable expense to the railway companies for the installation of safety devices and equipment.

Section 290 of the Railway Act authorizes railway companies to make By-laws, Rules and Regulations subject to the provisions and restrictions of the Railway Act, and/or in the Special Act, and subject to any Order or Regulation of the Board made under the authority of the Railway Act, respecting:—

- “(f) the travelling upon, or the using or working of the railway;
- (g) the employment and conduct of the officers and employees of the company; and
- (h) the due management of the affairs of the company.”

The portion of Watch Inspection Rule No. 3 to which the applicants object is as follows,—

Canadian National Railways:

“Employees who are required to use standard watches must submit them to a designated Inspector for comparison and record during designated semi-monthly periods and at intervals of not less than ten and not more than twenty days. They must not regulate them; but may set them themselves only if they stop, owing to failure to wind.”

Canadian Pacific Railway:

“Employees who are required to use standard watches must submit them to a designated Inspector for comparison and record during the first and third week of every month, or if no designated Inspector is accessible, *during any such period as soon as possible thereafter*. They must not regulate them, or, unless they stop owing to failure to wind, set them themselves.”

The difference in the two rules was emphasized by Mr. Chase, as giving leeway under the Canadian Pacific Railway rule that was not provided under the Canadian National Railways rule. (Evidence, Vol. 655, p. 2290.)

The General and Interlocking Operating Rules, as approved by the Board for the Canadian Pacific Railway Company, by Order No. 7563, dated July 12, 1909, and the revision of similar rules for the Canadian National Railways, as authorized by Order No. 42252, dated February 27, 1929, contain the Regulations for Standard Time, including the requirements for semi-monthly Watch Inspection of certain employees, as outlined in the aforementioned rules.

The Board's files do not show any reference to a difference of opinion as to the necessity of semi-monthly Watch Inspection prior or subsequent to the issuance of the said rules on the Canadian Pacific and Canadian National Railways; this question did not arise until after the Board had granted an application made by the Michigan Central and Pere Marquette Railways to be allowed to modify their Watch Inspection Rules so as to bring about uniformity on their railway lines in Canada and the United States; in this case there was unanimity of opinion between all the parties concerned, before the application was granted.

The Michigan Central Railroad operates over double track lines in Canada between Windsor, Fort Erie and the Niagara frontier, these lines being equipped with automatic block-signal protection.

The one hundred and thirty miles over which the Pere Marquette Railway operates in Canada is principally a freight line, with some mixed train service, and on which passenger train service is practically negligible.

Train operating conditions on the two aforementioned lines in Canada cannot be considered generally as comparable to the varied conditions which apply on transcontinental railways, such as the Canadian Pacific and the Canadian National Railways which operate over considerable trackage in mountainous territory. On these lines a predominant portion of traffic passes over single or double track, unprotected by automatic block-signals and at speeds in excess of what was formerly considered advisable and safe for heavy tonnage trains.

Strict observance of operating and safety rules and accuracy in watches carried by employees are essential for safety and it is obvious that, in the interest of safety of all concerned, safe operation must take precedence over any inconvenience occasioned by watch inspection methods.

Modification of safety rules should be the subject of negotiation between the representatives of the railway companies and their employees affected and should be jointly developed to a point where the differences between the parties

may require reference to the Board for disposition. In regard to this application, it would appear from what Mr. Riddell stated at the Hearing, (Evidence Vol. 655, p. 2307) that such procedure was not followed. Mr. Best also admitted,—(Evidence, Vol. 655, p. 2320), that this matter was not taken up with the Railway Companies direct, before application was made to the Board. The Railway Transportation Brotherhoods have regularly constituted grievance committees, through which such matters can be developed.

No evidence was produced at the Hearing to show that the employees were more concerned about accuracy in time than the railway managements.

The evidence produced and the information recorded on file with the Board, in my opinion, fail to justify, at this time, any change in the present Watch Inspection Rules, already approved and authorized by the Board.

I suggest however that the two parties confer with each other, to eliminate, as far as possible, any inconvenience experienced by employees in complying with the Watch Inspection Rule, and with a view to unifying, and if possible modifying the Rule on both Railways, in so far as may be found consistent with safety.

In my opinion, the evidence submitted justifies the dismissal of this application.

OTTAWA, March 13, 1939.

The Assistant Chief Commissioner, the Deputy Chief Commissioner, and Commissioner Stoneman concurred.

ORDER No. 57172

In the matter of the application of the Joint Legislative Committee of Railway Transportation Brotherhoods for an Order to amend Rule 3 of the General Train and Interlocking Rules, approved by General Order No. 42, dated July 12, 1909, as amended, by changing periodic inspection of watches from semi-monthly to monthly, with inspection to be between the 15th and 25th of each month.

File No. 4135.156

THURSDAY, the 16th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa, December 1, 1938, in the presence of counsel for and representatives of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors, the Brotherhood of Railway Trainmen, the Order of Railroad Telegraphers, the Brotherhood of Maintenance of Way Employees, the Railway Association of Canada, the Canadian Pacific Railway Company, and the Michigan Central (New York Central) Railroad Company, and what was alleged,—

It is ordered: That the application be, and it is hereby, refused.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57114

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

FRIDAY, the 3rd day of March, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Items 149 and 391 of Supplement No. 40 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Items 149 and 391 of Supplement No. 40 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item		Cents per 100 pounds
149		22½
391	In lots 5,000 pounds or over,	
	Classifying 1st and 2nd Class..	40
	Classifying 3rd Class..	41½
	In lots 10,000 pounds or over,	
	Classifying 1st and 2nd Class..	34
	Classifying 3rd Class..	35½

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57115

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.12

FRIDAY, the 3rd day of March, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Item 3110A to Fredericton, New Brunswick, in Supplement No. 6 to Tariff C.T.C. No. E. 4869, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 3110A to Fredericton, New Brunswick, in Supplement No. 6 to Tariff C.T.C. No. E. 4869, approved herein, is 10½ cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57122

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

SATURDAY, the 4th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1090 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1090, approved herein, are as follows:—

To	Cents per 100 pounds
Digby, N.S.	11
Plympton, N.S.	11
Weymouth, N.S.	11
Church Point, N.S.	11
Little Brook, N.S.	11
Meteghan, N.S.	11
Yarmouth, N.S.	9½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57125

In the matter of the tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

MONDAY, the 6th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 44 to Tariff C.T.C. No. E-2444
Supplement No. 3 to Tariff C.T.C. No. E-2804

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57126

In the matter of the application of the M & C Aviation Company Limited, under Section 18 of the Transport Act, 1938, for approval of resolution, adopted by its Board of Directors at a meeting held February 24th, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057·3

MONDAY, the 6th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department—

It is ordered: That the said resolution adopted by the Board of Directors of the M & C Aviation Company Limited on February 24th, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57129

In the matter of the application of Prairie Airways, Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for licence to transport passengers and/or goods by aircraft between Regina and North Battleford, and intermediate calls at Moose Jaw, Saskatoon, and Prince Albert, all in the Province of Saskatchewan.

File 42007.2

MONDAY, the 6th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Whereas the applicant has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places: Regina, Moose Jaw, Saskatoon, Prince Albert, and North Battleford, Saskatchewan, which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 2849, dated November 17, 1938, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the applicant has undertaken to provide a scheduled daily service by aircraft, approved of and licensed by the Comptroller of Civil Aviation,—

Therefore the Board orders: That Licence Number C.T.C. (A.C.) 2 be issued for the period of one year from the date of this order; and that the applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, with respect to the submission of by-law and filing of tariffs, including the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57131

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Montreal, in the Province of Quebec, and Vancouver, in the Province of British Columbia.

File No. 52007.10

TUESDAY, 7th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is a corporation subject to the statutory provisions of The Trans-Canada Air Lines Act, 1937, by which it was incorporated and which statute provides, among other things:—

- (a) for the operation of lines of aircraft between points and over routes designated by the Governor in Council;
- (b) for a schedule of services to be maintained by approval of or as recommended by the Minister of Transport and the Postmaster General;
- (c) for the transport of passengers and goods at rates competitive with other similar services in North America; and
- (d) that the corporation be subject to any other statute, regulation, or law not inconsistent with the Trans-Canada Air Lines Act relating to the ownership, operations, or transport of passengers or goods by means of aircraft;

And whereas the Applicant has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places to wit:—Vancouver, British Columbia; Lethbridge, Alberta; Regina, Saskatchewan; Winnipeg, Manitoba; Wagaming, Kapuskasing, North Bay, Toronto, Ottawa, Ontario; and Montreal, in the Province of Quebec; which points and places are specifically named by the Governor in Council under Order in Council P.C. 312, dated February 10th, 1939, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a scheduled service conforming to the provisions of The Trans-Canada Air Lines Act, 1937, by aircraft approved of and licensed by the Controller of Civil Aviation—

Therefore the Board orders that Licence No. C.T.C. (A.T.) 3 be issued for the period of one year from the date of this Order; and that the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, with respect to the submission of by-law and filing of tariffs, including the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57132

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Lethbridge and Edmonton, Alberta.

File No. 42007-10-1

TUESDAY, 7th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C. *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is a corporation subject to the statutory provisions of The Trans-Canada Air Lines Act, 1937, by which it was incorporated and which statute provides, among other things—

- (a) for the operation of lines of aircraft between points and over routes designated by the Governor in Council;
- (b) for a schedule of services to be maintained by approval of or as recommended by the Minister of Transport and the Postmaster General;
- (c) for the transport of passengers and goods at rates competitive with other similar services in North America; and
- (d) that the corporation be subject to any other statute, regulation, or law not inconsistent with the Trans-Canada Air Lines Act relating to the ownership, operations, or transport of passengers or goods by means of aircraft;

And whereas the Applicant has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places, to wit:—Lethbridge; Calgary; Edmonton, Alberta; which points and places are specifically named by the Governor in Council under Order in Council P.C. 2849, dated November 17th, 1938, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a scheduled service conforming to the provisions of The Trans-Canada Air Lines Act, 1937, by aircraft approved of and licensed by the Controller of Civil Aviation—

Therefore the Board orders that Licence No. C.T.C. (A.T.) 4 be issued for the period of one year from the date of this Order; and that the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, with respect to the submission of by-law and filing of tariffs, including the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57134

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Vancouver in the Province of British Columbia and Seattle, Washington, in the United States of America.

File No. 42007.10.2

TUESDAY, the 7th day of March, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant is a corporation subject to the statutory provisions of The Trans-Canada Air Lines Act, 1937, by which it was incorporated and which statute provides, among other things—

- (a) for the operation of lines of aircraft between points and over routes designated by the Governor in Council;
- (b) for a schedule of services to be maintained by approval of or as recommended by the Minister of Transport and the Postmaster General;
- (c) for the transport of passengers and goods at rates competitive with other similar services in North America; and
- (d) that the corporation be subject to any other statute, regulation, or law not inconsistent with the Trans-Canada Air Lines Act relating to the ownership, operations, or transport of passengers or goods by means of aircraft;

And whereas the Applicant has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places, to wit:—

Vancouver, British Columbia; Seattle, Washington, in the United States of America;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 2849, dated November 17, 1938, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a scheduled service conforming to the provisions of The Trans-Canada Air Lines Act, 1937, by aircraft approved of and licensed by the Controller of Civil Aviation—

Therefore the Board orders that Licence No. C.T.C. (A.T.) 5 be issued for the period of one year from the date of this Order; and that the Applicant be,

and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, with respect to the submission of by-law and filing of tariffs, including the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57146

In the matter of the application of United Air Lines Transport Corporation, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Seattle, Washington, in the United States of America, and Vancouver, in the Province of British Columbia.

File No. 42007.16

TUESDAY, the 7th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is a corporation organized under the General Corporation Law of the State of Delaware, in the United States of America, and has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points or places, to wit:—

Seattle, Washington, United States of America; and Vancouver, British Columbia;

which points are specifically named by the Governor in Council under Order in Council P.C. No. 2849, dated November 17, 1938, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a scheduled daily service by aircraft approved of and licensed by the Controller of Civil Aviation—

Therefore the Board orders that Licence No. C.T.C. (A.T.) 6 be issued for the period of one year from the date of this Order; and that the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, with respect to the submission of by-law and filing of tariffs, including the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57137

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.12

WEDNESDAY, the 8th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published to Clairs, New Brunswick, in item 445 of 4th revised page 29 to Tariff C.T.C. No. E-4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the proportion of joint rate to be reported for the Témiscouata Railway Company at 4½ cents per 100 pounds, the Canadian Pacific Railway Company the balance.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 445, to Clairs, New Brunswick, in 4th revised page 29 to Tariff C.T.C. No. E-4757, approved herein, is 17½ cents per 100 pounds; the Témiscouata Railway Company's proportion 5½ cents per 100 pounds; the Canadian Pacific Railway Company the balance.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57140

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

WEDNESDAY, the 8th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 76 of Supplement No. 17 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Dominion Atlantic Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 76 of Supplement No. 17 to Tariff C.T.C. No. 986, approved herein, is—

B.	Cents per 100 pounds	N.
11.2..	14

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57144

In the matter of the application of Canadian Airways Limited, under Section 18 of The Transport Act, 1938, for approval of By-law "B," dated February 15, 1939, adopted by the Directors, authorizing the President, General Manager and Secretary of the Company, or any one of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.4

THURSDAY, the 9th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department—

It is ordered: That the said By-law "B" of Canadian Airways Limited, dated February 15, 1939, authorizing the President, General Manager, and Secretary of the Company, or any one of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.4, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57147

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

THURSDAY, the 9th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 40 of Supplement No. 43 to Tariff C.T.C. No. E-1504, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Canadian Pacific Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Canadian Pacific Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 40 of Supplement No. 43 to Tariff C.T.C. No. E-1504, approved herein, is—

	Cents per 100 pounds	N.
B.		
14.5		18

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57148

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

THURSDAY, the 9th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1091, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1091, approved herein, are as follows:—

To	Cents per 100 pounds	
	From Windsor, N.S.	Halifax, N.S.
Digby, N.S.	11	12
Plympton, N.S.	11	13
Weymouth, N.S.	11	13
Church Point, N.S.	11	13½
Little Brook, N.S.	11	13½
Meteghan, N.S.	11	13½
Yarmouth, N.S.	9½	15½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57154

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

FRIDAY, the 10th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published to Saint John, New Brunswick, in item 91 of Supplement No. 12 to Tariff C.T.C. No. 1040, filed by the Dominion Atlantic Railway Company, under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Dominion Atlantic Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 91 of Supplement No. 12 to Tariff C.T.C. No. 1040, to Saint John, New Brunswick, approved herein, is—

	Cents per 100 pounds	
B.		N.
25·6		31·7

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57155

In the matter of the application of Dominion Skyways Limited, under Section 18 of The Transport Act, 1938, for approval of By-law No. 5, dated 1st March, 1939, adopted by the Directors of the Company, authorizing the President, Vice-President, and General Manager, or any one of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.6

FRIDAY, the 10th day of March, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department—

It is ordered: That the said By-law No. 5 of Dominion Skyways Limited, dated 1st March, 1939, authorizing the President, Vice-President, and General Manager of the Company, or any one of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.6, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57157

In the matter of the application of Quebec Airways Limited, under Section 18 of The Transport Act, 1938, for approval of By-law No. 5, dated 1st March, 1939, adopted by the Directors, authorizing the President, Vice-President, and Manager, or any one of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.5

FRIDAY, the 10th day of March, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department—

It is ordered: That the said By-law No. 5 of Quebec Airways Limited, dated March 1, 1939, authorizing the President, Vice-President, and Manager, or any one of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, on file with the Board under file No. 42057.5, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57163

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

TUESDAY, the 14th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 52 to Tariff C.T.C. No. E-2248

Supplement 18 to Tariff C.T.C. No. E-2629

Tariff C.T.C. No. E-2913

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57166

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for permission to file on less than statutory notice an amended tariff on petroleum and petroleum products from Montreal, in the Province of Quebec, and Petrolia, in the Province of Ontario, to Sault Ste. Marie, Ontario, to correct a clerical error.

File No. 27612.195

FRIDAY, the 17th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

Whereas, in accordance with understanding reached between the railway companies and shippers, there was published, effective March 1, 1939, in Canadian Pacific Railway Company's Tariff C.T.C. No. E-4468 (Supplement No. 19), a rate of 51 cents per 100 pounds on petroleum and petroleum products, in carloads, including fuel oil, from Montreal, Quebec, and Petrolia, Ontario, to Sault Ste. Marie, Ontario;

And whereas the Applicants issued Tariff C.T.C. No. E-2911, effective March 1, 1939, which was intended to correspond with the tariff of the Canadian Pacific Railway Company, but through clerical error referred to a rule in Applicants' Tariff C.T.C. No. E-1762, the effect of which is to provide on fuel oil a rate of 2 cents per 100 pounds less than the rate agreed with shippers and published by the Canadian Pacific Railway Company;

And whereas the Applicants issued Tariff C.T.C. No. E-2915 cancelling C.T.C. No. E-2911, correcting the clerical error, but which is not effective until April 10, 1939, on account of statutory notice being given;

And whereas the Applicants now apply for authority to advance the effective date of the said Tariff C.T.C. No. E-2915 so that it will become effective three days after filing thereof with the Board, in order to overcome the conflict and discrimination as between the two companies' tariffs, at the earliest possible date—

Therefore it is ordered: That the Applicants be, and they are hereby, granted leave to file on three days' notice a new tariff to correct the said error.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57170

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

FRIDAY, the 17th day of March, A.D., 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner*
G. A. STONE, *Commissioner*.

The Board orders:

1. That the tolls published in Tariff C.T.C. No. E-2909, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. E-2909, approved herein, are as follows:—

To	Cents per 100 pounds	
	B	N
Beauharnois, Que.	5.5	6.9
Belleville, Ont.	5.5	6.5
Bromptonville, Que.	5.5	6.9
Camden East, Ont.	5.5	6.3
Campbellford, Ont.	5.5	6.9
Chicoutimi, Que.	5.5	6.9
Cornwall, Ont.	5.5	6.9
Crabtree, Que.	5.5	6.9
Donncona, Que.	5.5	6.9
Dundas, Ont.	5.5	6.8
East Angus, Que.	5.5	6.9
Frankford, Ont.	5.5	6.5
Georgetown, Ont.	5.5	6.9
Glen Miller, Ont.	5.5	6.5
Grand'Mere, Que.	5.5	6.9
Hawkesbury, Ont.	5.5	6.9
Joliette, Que.	5.5	6.9
Jonquiere, Que.	5.5	6.9
Kingsey, Que.	5.5	6.9
Lachute, Que.	5.5	6.8
Merritton, Ont.	5.5	6.9
Mille Roches, Ont.	5.5	6.9
Montreal, Que.	5.5	6.9
Mont Rolland, Que.	5.5	6.9
Ottawa, Ont.	5.5	6.9
Portneuf, Que.	5.5	6.9
St. Andrews East, Que.	5.5	6.8
St. Catharines, Ont.	5.5	6.9
St. Jerome, Que.	5.5	6.9
St. Raymond, Que.	5.5	6.9
Sault Ste. Marie, Ont.	5.5	6.9
Shawinigan Falls, Que.	5.5	6.9
Sherbrooke, Que.	5.5	6.5
Strathcona, Ont.	5.5	6.8
Thorold, Ont.	5.5	6.9
Toronto, Ont.	5.5	6.4
Trenton, Ont.	5.5	6.8
Welland, Ont.	5.5	6.9
Windsor Mills, Que.	5.5	6.9

H. GUTHRIE,
Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, JANUARY, 1939

Railway accidents. 87 with 13 Killed and 78 Injured.
Railway accidents at highway crossings. 21 with 4 Killed and 30 Injured.

	Killed	Injured
Passengers.	—	12
Employees.	6	57
Others.	11	39
	<hr/> 17	<hr/> 108

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

PRINCE EDWARD ISLAND

Accidents K. I.
1 — 2 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, P.E.I. 3-086.

NEW BRUNSWICK

1 1 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, N.B. 4-770.
1 — 1 Automobile—Automobile ran into gas electric car. Licence, N.B. 27675.

QUEBEC

1 1 — Pedestrian—Pedestrian passed under gates; walked in front of train and was struck.
1 — 1 Automobile—Automobile, with defective brakes, ran into side of train. Licence, Que. 117-251.
1 — 1 Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Que. P-461.
1 — 2 Automobile—Automobile ran into side of train. Licence, Vermont 66-012.

ONTARIO

1 — 2 Automobile—Automobile ran into side of train. Licence, Ont. 40-A-75.
1 — 5 Automobile—Automobile ran into side of train. Licence, Ont. 17-B-71.
1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 17-N-48.
1 — 4 Automobile—Automobile struck by track motor car. Licence, Ont. 8-A-761.
1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 913-D-5.
1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 29-C-11.
1 — 1 Automobile—Automobile ran into side of standing train. Licence, Ont. 98-X-17.
1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 91-D-52.
1 — 1 Automobile—Automobile driven on to crossing in front of switch movement, which was being flagged, and was struck. Licence, Ont. 55170.
1 — 1 Auto Truck—Auto truck skidded and ran into side of train. Licence, Ont. 19619-C.
1 — 1 Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 62887-C.
1 1 1 Automobile—Automobile drove through gates which were in lowered position, and ran into side of train. Licence, Ont. 17-8-70.

MANITOBA

1 1 — Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Man. 24-528.

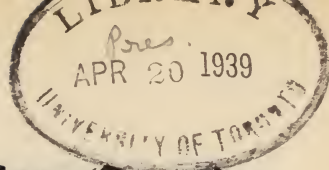
ALBERTA

1 — 2 Horse-drawn Vehicle—Horse-drawn vehicle struck by train; driver failed to exercise precaution.

Of the 21 Accidents at Highway Crossings, 18 occurred at Unprotected Crossings, and 3 at Protected Crossings.

Fourteen of the Accidents occurred After Sunrise, and 7 occurred After Sunset.

March 7th, 1939.



The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXIX

Ottawa, April 15, 1939

No. 2

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Complaint of Mr. Richard Dunn, Victoria Mills, New Brunswick, against the dangerous condition of the crossing (Dunn's Crossing) over the tracks of the Canadian Pacific Railway, Mile 20.23 Fredericton Subdivision, and Canadian National Railways, Mile 67.79 Centreville Subdivision, in the City of Fredericton, N.B.

File 40482.

JUDGMENT

STONEMAN, COMMISSIONER:

The Canadian Pacific Railway, at this point, is part of the Atlantic North West Railway who, in 1879 was granted Dominion Charter 42 Victoria, chapter 65, and constructed that portion of its line from Saint John to Fredericton by 1883 and leased it in 1884 to the Canadian Pacific Railway Company. The Canadian National Railways at this point is part of the St. John & Quebec Railway, who was granted New Brunswick Charter 10, Edward VII, chapter 52. It appears to have been constructed from Westfield, N.B., to Fredericton by 1914, but evidently this portion of the line was not completed until a later date. An agreement, No. 13265, dated June 1, 1935, between the St. John and Quebec Railway and the Canadian Pacific Railway Company was entered into, permitting the St. John and Quebec Railway to construct its lines upon the right-of-way of the Canadian Pacific Railway for a definite distance, which includes the crossing in question. This agreement was sanctioned by the Lieutenant Governor in Council for New Brunswick—the Canadian National Railways taking over this portion of the line in 1929.

Prior to the construction of the St. John and Quebec Railway, the Canadian Pacific Railway Company permitted the private crossing—known as Dunn's Crossing—to be opened to serve Mr. Ephrian Dunn, the then owner of certain lands lying to the west of the railway, to give him access to the highway on the east side of the railway. Mr. Richard Dunn later acquired this land and sold part of it to Mr. Richard Biggs who, in turn, sold portions to other parties, all of whom used this crossing to get to the highway. The construction of the St. John and Quebec Railway was completed about 1915 and this made a double crossing at this point. There are now about ten families using the crossing and it also serves as an outlet to a quarry that moves considerable stone by truck. The area is within the boundaries of the City of Fredericton but no City facilities are available to residents nor have any civic improvements been made. The road leading to Dunn's Crossing is still said to be maintained by Mr. Richard Dunn.

The first complaint to the Board in connection with the Dunn Crossing was made on behalf of Mr. Richard Dunn, by Mr. P. Hughes in a letter dated August 5, 1937, wherein he pointed out the dangerous nature of the crossing. Submissions were filed by both railway companies, each of whom endeavoured to place the responsibility upon the other, and later the file shows that considerable discussion took place between the railway companies and the Board respecting the possibility of adjustment of railway grades to eliminate the difference in elevation of the two railway lines. However, it became evident from a study of the plans and profiles supplied to the Board and investigations made on the ground, that while the elimination of the difference in elevation of the tracks of the railway companies would be an improvement from existing conditions, the crossing would still be a very dangerous one, for public use because of the steep grades.

On November 4, 1937, the Division Engineer of the Board made an inspection of the crossing accompanied by representatives of the two railway companies, Mr. Richard Dunn the complainant, and the City Engineer of Fredericton. The Division Engineer recommended, in his report dated November 8, 1937, the closing of the Dunn Crossing and the construction of a road diversion to a crossing of the tracks of the two railways near a public crossing about 2,000 feet north of Dunn's Crossing, known as Morrison's Crossing. The Morrison Crossing is also a very dangerous one, and it was proposed to close it and open a new one 300 feet further north where a crossing could be made that would be reasonably safe for public use. Thus the danger at these two crossings would be removed by the construction of the diversion and the establishment of a new crossing at a safe place. He suggested that grade revision of the railway tracks at Dunn's Crossing would be difficult and afford very little relief.

Mr. C. A. MacKay, City Engineer of Fredericton, by letter dated December 3, 1937, forwarded plan, profile, and estimate of cost of the above proposal, and stated that he believed the City would be agreeable to constructing and maintaining this diversion if the entire cost of construction was borne by persons other than the City. Some discussion was raised as to the cost of the road diversion; the Board taking the view that the City's estimate was based on a road of a much better standard than the existing road. In the City's reply of December 27, 1937, they advise they cannot decrease the estimate, saying they are not pressing for the construction of the diversion, but will accept responsibility for its maintenance if it is built to the standard called for in the estimate.

The Railway Companies were asked for their submissions on the Division Engineer's report above referred to. Mr. Walker for the Canadian Pacific Railway Company, in a letter dated January 17, 1938, states the Railway Company agree that the proposed diversion is the best solution, and with the closing of both the Dunn Crossing and the Morrison Crossing and the opening of a new and less dangerous one, the Railway Company would be agreeable to a small contribution—suggesting \$500. Mr. Rand for the Canadian National, in a letter dated February 8, 1939, stated the Canadian National Railways agree that the adjustment of railway grades is not a satisfactory solution; and that, the road diversion suggested by the Board's Division Engineer, in his report, seems the best one, and while disclaiming responsibility his Company would be prepared to contribute \$500 towards the cost of construction of the proposed diversion.

After considerable correspondence, the matter was listed for hearing and heard at Fredericton, N.B., October 17, 1938. Members of the Board viewed the crossing, prior to hearing the matter, and found that a most dangerous situation existed. The crossing—known as Dunn's Crossing, is half way up a side hill and is about 40 feet above the paved road, on Route No. 2 as shown on the plan. The Canadian Pacific Railway tracks are 2 feet 8 inches higher than the Canadian National tracks, and as the tracks are only 17-foot centres and

there is a rise of 2·8 feet in the 9 feet between the ties it makes a grade of 31 per cent. Several trucks and cars have had their oil pans or transmissions damaged going over the bump between the tracks. The road approaching the crossing from Route No. 2, leading into Fredericton, is a crooked, steep, narrow one. The grade on it for about 100 feet before the crossing is reached being one foot in five feet—or 20 per cent. As soon as a car gets over the crossing it has to swing sharply either to the right or left to climb further up the hill.

When the matter was heard, all parties agreed that Dunn's Crossing was a most dangerous one and should be viewed as a public crossing, as it would be difficult, if not impossible, to remedy the situation at its present location. It was also agreed that the crossing, known as Morrison's Crossing was a dangerous one and if it was decided to make a diversion for the purpose of closing the Dunn Crossing, then it would be well to extend the diversion and close the public crossing known as Morrison's Crossing. A crossing could be opened at a safe point to serve the public who are at present using the Dunn and Morrison Crossings.

The question of financing the diversion arose and the Board advised the interested parties that the approximate cost of the diversion being \$9,000, the Board would be prepared to recommend to the Minister a 70 per cent contribution towards the cost from funds voted by Parliament for that purpose, which, in this case, would amount to \$6,300. As the Railway Companies would both be relieved of a dangerous crossing an assessment of \$1,000 each might be ordered; leaving a balance of \$700 to be provided for.

Mr. MacKay, representing the City of Fredericton, was asked if the amounts as above suggested were provided, the City would assume the balance. His reply was, "I have not any authority at all to say so, but I do not think the City would object; but, as I say, I have no authority to say whether they would accept it or not. It seems to me to be a reasonable proposition." Mr. I. C. Rand, K.C., agreed that it was a reasonable proposition. Mr. A. D. N. Spence, K.C., representing the Canadian Pacific Railway Company, felt that the Canadian Pacific Railway Company should not be assessed quite so much.

It was pointed out to Mr. MacKay, that the plan which had been filed by the City provided for the road to be carried considerably south of Dunn's Crossing and an estimate should be filed providing for a diversion from Dunn's Crossing north to a point at which it was proposed to open the new crossing.

Since the sittings of the Board, Mr. MacKay in a letter dated November 4, 1938, quoted from a resolution passed by the City Council at their meeting in Fredericton, on October 17th, stating that the City was willing to accept the proposal of the Board of Transport Commissioners as outlined at the sitting.

On February 3, 1939, Mr. MacKay, advised the Board that he was forwarding a white print showing two locations; one in black and one in red. He stated the location in black might be called the south location and the one in red the north location. He also enclosed profiles of the two locations and a plate showing the typical sections to be used on the construction and the estimated cost of each. Subsequent to the filing of the plans and profiles, referred to above, considerable correspondence was exchanged between the Board's Engineering Department and Mr. MacKay. As a result of this correspondence, Mr. Kydd, Board's Division Engineer, again met the interested parties in Fredericton, February 23rd, and in his report dated February 27th he states they looked over the plans carefully—i.e. the white prints, showing two locations, referred to as having been filed by Mr. MacKay, and they came to the conclusion it would be possible to swing off the north location between Stations 19 and 20 and carry the road to the south location at about Station 22, without adding to the expense of the road along the south location and have the advantage of crossing at the point shown on the south location. He further advises

that Mr. MacKay stated on February 23rd, that he would be willing to carry out the work involved at an estimated cost of \$9,000, on the basis as proposed by the Board at its sittings in Fredericton, October 17, 1938.

I feel this work should be performed and therefore suggest that Order issue directing the City of Fredericton to construct a diversion in accordance with the white print, dated November 20, 1938. The diversion to follow the north location from Station 0 to a point between Stations 19 and 20 and then be diverted to the south location connecting with it at approximately Station 22 and then follow the south location across the tracks as indicated at a point about 300 feet north of Morrison's Crossing to the main highway, and that there be included in the general cost of the diversion, all necessary culverts to carry the diverted water under the two tracks and the main highway. That 70 per cent of the cost of the work, not exceeding the sum of \$6,300, be contributed from funds available under Department of Transport Vote 630; that the Canadian National Railways contribute \$1,000 towards the cost; the Canadian Pacific Railway Company \$1,000; and, the balance of cost to be upon the City of Fredericton. Upon the completion of this diversion the crossings known as Dunn's and Morrison's Crossing to be closed. Maintenance of its new crossing to be upon the railways in the same manner as was the maintenance at the Morrison Crossing.

Ottawa, March 18, 1939.

Commissioner Stone concurred.

ORDER No. 57205

In the matter of the complaint of Richard Dunn, of Victoria Mills, in the Province of New Brunswick, against the dangerous condition of the crossings over the Canadian Pacific and the Canadian National Railways, known as Dunn's Crossing, in the City of Fredericton, Province of New Brunswick.

File No. 40482.

FRIDAY, the 31st day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner*
J. A. STONEMAN, *Commissioner*.
G. A. STONE, *Commissioner*.

Upon hearing the matter at the sittings of the Board held at Fredericton, October 17, 1938, in the presence of counsel for the City of Fredericton, the Canadian Pacific Railway Company, Canadian National Railways, and Robert Biggs (a land owner affected), the applicant appearing in person, and what was alleged,—

It is ordered:

1. That the City of Fredericton construct a road diversion, to follow the north location from Station 0 to a point between Stations 19 and 20, thence to the south location, connecting with same approximately at Station 22, thence following the south location across the tracks of the Canadian Pacific Railway Company and the Canadian National Railways at a point about 300 feet north of Morrison's Crossing, so-called, to the main highway in the City of Fredericton, Province of New Brunswick, as shown on the plan dated November 20, 1938, on file with the Board under file No. 40482.

2. That, upon completion of the proposed diversion, the crossings known as Dunn's and Morrison's Crossing be closed within the limits of the railway right of way.

3. That there be included in the cost of said diversion all necessary culverts to carry the diverted water under the two railways and the main highway.

4. That, with the approval of the Governor in Council by Order in Council P.C. 729, dated March 29, 1939, seventy per cent of the cost of the said work, not exceeding, however, the sum of \$6,300, be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 630, Special Supplementary Estimates 1938-39; that the Canadian National Railways contribute the sum of \$1,000 and the Canadian Pacific Railway Company the sum of \$1,000 towards the cost of the work; the remainder of the cost to be borne and paid by the City of Fredericton.

5. That the maintenance of the proposed new crossing be borne and paid in the same manner as the maintenance of Morrison's Crossing, so-called.

6. That the approval of the Governor in Council by the said Order in Council herein referred to is subject to the proviso that the City of Fredericton shall agree with His Majesty, represented by the Minister of Transport, in such form as the said Minister may approve, that all persons employed in the execution of the works herein authorized shall, while so employed during the continuance of the execution of the works, be paid fair wages and that the working hours of such persons shall not exceed eight hours per day nor forty-four hours per week while so employed, all in accordance with the provisions of The Fair Wages and Hours of Labour Act, 1935.

7. That the approval of the Governor in Council to the payment from the said Parliamentary Vote No. 630 towards the cost of constructing the work herein authorized be subject to the additional provisions that—

- (a) No casual labourers shall be employed in the execution of the said work other than residents of the district concerned, if available;
- (b) No resident eligible for employment shall be discriminated against by reason of his religious views or political affiliations;
- (c) Political favouritism and political intimidation shall alike be avoided;
- (d) Only goods and materials of Canadian manufacture or production shall be used, if available;

and that the Minister of Labour for Canada may designate a representative whose duty and responsibility it shall be to see that the above terms of agreement (as in this clause (2) set out are carried out, and that such representative may from time to time confer with the railway officers, or the contractors or their representatives performing or responsible for the work covered by this order, with authority to enforce the said terms and/or to report to the said representative of the Minister of Labour any failure to comply with the said terms.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57176

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 20th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 27 to Tariff C.T.C. No. E-1256
Supplement 48 to Tariff C.T.C. No. E-1258
Supplement 60 to Tariff C.T.C. No. E-1829
Supplement 16 to Tariff C.T.C. No. E-2311
Tariff C.T.C. No. E-2916
Tariff C.T.C. No. E-2917
Tariff C.T.C. No. E-2918

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57177

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 20th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 5 of Tariff C.T.C. No. E-2909, to Hantsport, Nova Scotia, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Dominion Atlantic Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 5 of Tariff C.T.C. No. E-2909 to Hantsport, Nova Scotia, approved herein, is—

	Cents per 100 pounds
Tariff	Normal
6	7

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57183

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

SATURDAY, the 25th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 472-C of Supplement No. 41 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 472-C of Supplement No. 41 to Tariff C.T.C. No. 1006, approved herein, will be the 3rd class rates covered by previous order or orders of the Board.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57184

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

SATURDAY, the 25th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 91-C of Supplement No. 18 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 91-C of Supplement No. 18 to Tariff C.T.C. No. 986, approved herein, will be the 3rd class rates covered by previous order or orders of the Board.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57185

In the matter of the application of The British Yukon Navigation Company Limited, hereinafter called the "Applicant Company," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Atlin, British Columbia, and Carcross, Yukon Territory.

File No. 42007.8.1

SATURDAY, the 25th day of March, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant Company is a corporation organized under the Companies Act of 1897 of the Province of British Columbia, and has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft, passengers and/or goods on a scheduled route between the following points or places, to wit:—

Atlin, British Columbia; Carcross, Yukon Territory; which points are specifically named by the Governor in Council under Order in Council P.C. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act 1938;

And whereas the Applicant Company has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant Company has undertaken to provide a service by aircraft approved of and licensed by the Controller of Civil Aviation, subject to the flying conditions therein contained, upon the following schedule:—

SUMMER SEASON (approximately May to October):

A minimum weekly service to correspond with steamer service at Skagway, Alaska.

WINTER SEASON:

Service to correspond with steamer service at Skagway, Alaska, and such other flights as the traffic may demand—

Therefore the Board orders that Licence No. C.T.C. (A.T.) 8 be issued for the period of one year from the date of this Order; and that the Applicant Company be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto, with respect to the submission of by-law and filing of tariffs, including the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57187

In the matter of the application of The British Yukon Navigation Company Limited, hereinafter called the "Applicant Company," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Whitehorse and Dawson, with intermediate calls at Carmacks, Selkirk, and Mayo, all in Yukon Territory of the Dominion of Canada.

File No. 42007.8

SATURDAY, the 25th day of March, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant Company is a corporation organized under the Companies Act of 1897, of the Province of British Columbia, and has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points or places, to wit:—

Whitehorse, Carmacks, Selkirk, Mayo, and Dawson, in Yukon Territory; which points are specifically named by the Governor in Council under Order in Council P.C. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant Company has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant Company has undertaken to provide a service by aircraft approved of and licensed by the Controller of Civil Aviation, subject to the flying conditions therein contained, upon the following schedule:—

Between Whitehorse-Mayo-Dawson, in Yukon Territory, a minimum weekly scheduled service.

Calling at Carmacks and Selkirk, in Yukon Territory, weekly in the winter season, namely: approximately October to May,—and whenever required during the summer season—

Therefore the Board orders:

That Licence No. C.T.C. (A.T.) 7 be issued for the period of one year from the date of this Order; and that the Applicant Company be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto, with respect to the submission of by-law and filing of tariffs, including the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57182

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for permission to amend their Tariff C.T.C. No. W-1438, on less than statutory notice, to correct a clerical error.

File No. 27612.196

MONDAY, the 27th day of March, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

Whereas in Applicants' Tariff C.T.C. No. W-407 class rates from Canadian points to stations on the Applicants' line in Minnesota were increased by ten per cent under the authority of Interstate Commerce Commission Ex Parte 123 and General Order No. 569, effective March 28, 1938;

And whereas the Applicants, in reissuing the said class rates in their Tariff C.T.C. No. W-1438, effective March 29, 1939, through clerical error, failed to apply the ten per cent increase previously authorized and now desire to make correction on less than statutory notice, and the Interstate Commerce Commission has authorized such change to be made on one day's notice—

It is ordered: That the Applicants be, and they are hereby, granted leave to amend their Tariff C.T.C. No. W-1438, effective March 29, 1939, to correct the said error.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57189

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 28th day of March, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 8 to Tariff C.T.C. No. E-2745;

Tariff C.T.C. No. E-2923.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57190

In the matter of the application of the Canadian National Railways, herein-after called the "Applicants," for permission to file on less than statutory notice a supplement to their tariff C.T.C. No. W-1440 to correct a clerical error.

File No. 27612.197

THURSDAY, the 30th day of March, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Whereas through clerical error on page 8 of Applicants' Tariff C.T.C. No. W-1440 a rate of 32 cents per 100 pounds is published on wet wood pulp from Fort William, Port Arthur, West Fort William, Ontario, and Pine Falls, Manitoba, to Reynolds, Indiana, instead of 42 cents per 100 pounds, and in order that the proper and intended rate to Reynolds, Indiana, may be applied, the Applicants now desire to make correction on less than statutory notice.

It is therefore ordered: That the Applicants be, and they are hereby, granted leave to file on one day's notice a supplement to their Tariff C.T.C. No. W-1440 to correct the said error.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57203

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

SATURDAY, the 1st day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published to Kitchener, Ontario, in item 475 of 1st revised page 30 to Tariff C.T.C. No. E-4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 475, to Kitchener, Ontario, in 1st revised page 30 to Tariff C.T.C. No. E-4757, approved herein, are:—

Item 475	From	Cents per 100 pounds	
		1	2
	Fairville, N.B.	70	63
	Fredericton, N.B.		
	St. Andrews, N.B.		
	Saint John, N.B.		
	St. Stephen, N.B.		
	West Saint John, N.B.	72	65
	Halifax, N.S.		
	Yarmouth, N.S.		
		79	77½

From Dominion Atlantic Railway stations one and one-half cents per 100 pounds to be deducted account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57204

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

SATURDAY, the 1st day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner*
G. A. STONE, *Commissioner*.

The Board orders:

1. That the tolls published in items 3900, 3905, and 3910 of Supplement No. 8 to Tariff C.T.C. No. E-4869, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 3900, 3905, and 3910 of Supplement No. 8 to Tariff C.T.C. No. E-4869, approved herein, are as follows:—

Item	To	30,000	Cents per 100 pounds		
			Minimum	Weights	80,000
			40,000	60,000	
3900	Belleville, Ont. . . . .	...	39	34	31½
	Brantford, Ont. . . . .	...	35	...	32½
	Brockville, Ont.	39	...	35	31
	Chatham, Ont. . . . .	...	...	40½	...
	Chesterville, Ont.	40	...	...	...
	Cornwall, Ont.	32	...	...	31
	Drummondville, Que.	39½	...	...	...
	Fenwick, Ont. . . . .	...	35½	...	...
	Fonthill, Ont. . . . .	...	35½	...	...
	Fort William, Ont. . . . .	...	...	39	37
	Garthby, Que. . . . .	...	35½	...	...
	Grand'Mere, Que.	33½	...	...	...
	Guelph, Ont. . . . .	...	34½	...	...
	Hamilton, Ont. . . . .	...	...	33	31
	Ingersoll, Ont. . . . .	...	37	...	...
	Kingston, Ont. . . . .	...	...	32½	30½
	Kitchener, Ont. . . . .	...	35	...	...
	Levis, Que. . . . .	...	...	30½	27
	Lindsay, Ont. . . . .	...	36½	...	...
3905	Listowell, Ont. . . . .	...	41	...	...
	London, Ont. . . . .	...	...	33½	31
	Magog, Que.	37½	...	...	...
	Megantic, Que.	41	...	...	...
	Montreal, Que. . . . .	...	...	30½	25
	Niagara Falls, Ont. . . . .	...	35½	33	...
	Niagara-on-the-Lake, Ont. . . . .	...	34½	...	...
	Orillia, Ont. . . . .	...	36½	...	...
	Oshawa, Ont. . . . .	...	35	33½	31
	Ottawa, Ont. . . . .	...	...	33	31
3910	Owen Sound, Ont. . . . .	...	38½	36½	...
	Parry Sound, Ont. . . . .	...	49	...	...
	Pembroke, Ont.	44	...	...	...
	Perth, Ont.	42½	...	...	...
	Peterboro, Ont. . . . .	...	35½	...	...
	Port Arthur, Ont. . . . .	...	...	39	37
	Port Dalhousie, Ont. . . . .	...	35½	...	...
	Quebec, Que. . . . .	...	...	30½	27
	St. Catherines, Ont. . . . .	...	35½	33	...
	St. Davids, Ont. . . . .	...	34½	...	...
	St. Evariste, Que. . . . .	...	36½	...	...
	St. Thomas, Ont. . . . .	...	39½	...	...
	Sarnia, Ont. . . . .	...	43	36½	34
	Sault Ste. Marie, Ont.	58½	...	36	34
	Shawinigan Falls, Que.	33½	...	...	...
	Sherbrooke, Que.	38½	...	...	...
	Simcoe, Ont. . . . .	...	38	...	33½

Item	To	Cents per 100 pounds Minimum Weights			
		30,000	40,000	60,000	80,000
	Smith's Falls, Ont.	41	...	...	...
	Thetford Mines, Que.	44½	35½	...	...
	Thorold, Ont. . . . .	...	...	33	31
	Toronto, Ont. . . . .	...	...	33½	31
	Trois Rivières, Que. . . . .	...	32	31	26
	Tweed, Ont. . . . .	...	44	...	...
	West Fort William, Ont. . . . .	...	...	39	37
	Windsor, Ont. . . . .	...	43	36½	34

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 584

In the matter of regulations governing the construction and filing of Air Transportation Tariffs with the Board, approved under General Order No. 580, dated 16 December, 1938.

File No. 42017

THURSDAY, the 23rd day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

In pursuance of the powers expressly conferred under Parts I and IV of The Transport Act, 1938, and of all other powers possessed by the Board in that behalf—

It is ordered: That the said regulations governing the construction and filing of Air Transportation Tariffs with the Board be, and they are hereby, amended as follows:—

(a) By adding to Rule No. 6 the following subsection:—

“(g) Specific rules setting out the conditions under which service will be provided to each point to or from which a rate is published.”

(b) By the addition of the following Rule, namely:—

“(19) To provide for equal application of tolls, as intended by The Transport Act, 1938, there should be uniformity of tolls published by licensed carriers between competitive points. Copies of tariffs publishing rates between points competitive with other carriers subject to the Act shall be sent to all such competing carriers, with copy of filing advice (Appendix “A”), concurrently with filing with the Board. The filing advice filed with the Board shall show the names of the carriers to whom such tariffs were forwarded.”

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 585

In the matter of rules and regulations governing the construction and filing of freight and passenger schedules with the Board approved under General Order No. 479, dated 28th June, 1929.

File No. 606

MONDAY, the 27th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

In pursuance of the powers conferred under Part I of The Transport Act, 1938, and of Sections 324, 325, and 332 of the Railway Act, and of all other powers possessed by the Board in that behalf—

It is ordered: That the said regulations, as contained in Circular No. 223, governing the construction and filing of freight and passenger schedules with the Board be amended as from the 15th day of April, 1939, as follows:—

1. Rule 2 is amended by adding thereto the following paragraph:

“Pursuant to Section 3 (2) of the Transport Act, 1938, the Board construes the term ‘points which are not competitive,’ as used herein, to be ‘points which are not competitive with carriers subject to the Board’s jurisdiction’.”

2. Rule 4 is amended by striking out the present rule and substituting therefor the following:

“4. Competitive rates which, owing to the exigencies of competition of transportation services not subject to the Board’s jurisdiction, are urgently required to be brought into immediate effect without previous notice to the Board, may be acted upon before filing with the Board, but the company must forthwith file a tariff in duplicate, effective as from the date of movement of the traffic. The filing advice covering such tariff shall be accompanied by a clear statement of the reasons for such publication, together with the name of the party for whom the rate was made, the rate and name of the carrier with whom competing, the rate which would otherwise apply in the absence of such publication, and such other information as will satisfy the Board as to the bona fides of the action taken. Rates so made under this authority may be issued to expire on any date subsequent to the effective date thereof, provided that such expiry date is shown on the tariff when published.

“Competitive tariffs to apply between common points of carriers subject to the Board’s jurisdiction may be filed without prior notice where such action is to equalize existing rates of competing route (subject to recognized differentials, if any, between rail and water carriers), but the filing advice shall be accompanied by a clear statement of the necessity for such action, together with detailed reference to rate and tariff authority of the existing published rate of the other carrier or carriers.

“In all other respects competitive tariffs shall be filed in accordance with the provisions of Rule 11.”

3. Rule 13 is amended by striking out the present rule and substituting therefor the following:

“13. Unless shown in individual rate tariffs affected thereby, each carrier shall publish and file, under proper C.T.C. numbers, separate tariffs which shall contain, in clear and specific form and terms, all the charges for special services not directly a part of the transportation

covered by the line haul rates, together with rules governing, such as switching, icing, storage, elevation, cartage, loading or unloading, etc., also absorptions and allowances which in any way increase or decrease the amount to be paid on any shipment, or which increase or decrease the value to the shipper.

"Where the charges, as herein described, are published in separate tariffs, reference thereto shall be made in tariffs containing rates affected thereby."

4. Rule 31 is amended by striking out the present rule and substituting therefor the following:

"31. (a) Except under authority of the Board, no rate published in special freight tariffs (local or joint) under the provisions of Section 331 of the Railway Act, may be increased until it has been in force at least thirty days. Special tariffs may be issued to expire on a named date, but such date must not be less than thirty days after the effective date;

"(b) If a special freight tariff is filed on statutory notice cancelling another special tariff and, after such filing and prior to the effective date of the new tariff, a supplement to the tariff to be cancelled should be lawfully issued, rates in such supplement could not be continued in effect for thirty days for the reason that cancellation of the tariff also cancels supplements thereto. In such cases, supplements containing changes not included in the tariff that is to become effective shall be issued to both tariffs and shall contain no other matter than the rates sought to be made effective, and will be exempted from the provisions of Rule 17."

H. GUTHRIE,

Chief Commissioner.

GENERAL ORDER No. 586

In the matter of regulations governing the construction and filing of freight tariffs for transportation by water with the Board, approved under General Order No. 583, dated 24th February, 1939.

File No. 42082

MONDAY, the 27th day of March, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

In pursuance of the powers expressly conferred under Parts I and IV of The Transport Act, 1938, and of all other powers possessed by the Board in that behalf—

It is ordered: That the said regulations governing the construction and filing of freight tariffs for transportation by water with the Board be amended as and from the 15th day of April, 1939, as follows:—

1. Rule 18 is amended by adding thereto the following paragraph:

"Pursuant to Section 3 (2) of The Transport Act, 1938, the Board construes the term 'points which are not competitive,' as used herein, to be 'points which are not competitive with carriers subject to the Board's jurisdiction'."

2. Rule 27 is amended by adding thereto the following paragraphs:

"Notwithstanding anything otherwise contained in Rule 7 hereof, competitive rates which, owing to the exigencies of competition of transportation services not subject to the Board's jurisdiction, are urgently required to be brought into immediate effect without previous notice to the Board, may be acted upon before filing with the Board, but the licensee must forthwith file a tariff in duplicate effective as from the date of movement of the traffic. The filing advice covering such tariff shall be accompanied by a clear statement of the reasons for such publication, together with the name of the party for whom the rate was made, the rate and name of the carrier with whom competing, the rate which would otherwise apply in the absence of such publication and such other information as will satisfy the Board as to the bona fides of the action taken. Rates so made under this authority may be issued to expire on any date subsequent to the effective date thereof, provided that such expiry date is shown on the tariff when published.

"Competitive tariffs to apply between common points of carriers subject to the Board's jurisdiction may be filed without prior notice where such action is to equalize existing rates of a competing route (subject to recognized differentials, if any, between rail and water carriers), but the filing advice shall be accompanied by a clear statement of the necessity for such action, together with detailed reference to rate and tariff authority of the existing published rate of the other carrier or carriers.

"In all other respects competitive tariffs shall be filed in accordance with the provisions of Rule 7."

H. GUTHRIE,

Chief Commissioner.

P.C. 569

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 14th day of March, 1939.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL
IN COUNCIL

WHEREAS Section 13 (I) of Part III of The Transport Act, 1938, provides that the Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, licence aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

AND WHEREAS subsection (1) (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

AND WHEREAS the Minister of Transport reports that, under date the 25th and 27th of February, 1939, the Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport

Act, 1938, may fittingly be applied to the air services between the under-mentioned points and places, designated for identification purposes by the route numbers shown, and recommends that said points and places be named by the Governor General in Council under the provisions of Section 15 (1) (b), namely, as follows:—

<i>Route Number</i>	<i>Points and Places</i>
C. 1.	Whitehorse, Carmacks, Selkirk, Mayo, Dawson, Yukon Territory;
C. 2.	Atlin, Province of British Columbia; Carcross, Yukon Territory;
C. 3.	Rimouski, Bersimis, Outardes Falls, Baie Comeau, Godbout, Trinity Bay, Pentecost, Shelter Bay, Clarke City, Matane, Seven Islands, Province of Quebec (with alternative terminals on lakes at Val Brilliant and Rimouski as weather conditions demand);
C. 4.	Rimouski, Forrestville, Bersimis, Outardes Falls, Matane, Baie Comeau, Province of Quebec (with alternative terminals on lakes at Rimouski and Val Brilliant as weather conditions demand);
C. 5.	Seven Islands, Moisie, Sheldrake, Riviere au Tonnerre, Riviere St. Jean, Mingan, Havre St. Pierre, Ellis Bay, Baie Johan Beetz, Aguanish, Natashquan, Kegaska, Gethsemani, Harrington Harbour, and/or the Barachois, Province of Quebec;
C. 6.	Matane, Godbout, Trinity Bay, Pentecost, Shelter Bay, Clarke City, Seven Islands, Province of Quebec;
C. 7.	Big River, Dore Lake, Beauval, Ile a la Crosse, Buffalo Narrows, Lac la Loche, Province of Saskatchewan;
C. 8.	Prince Albert, Montreal Lake, Lac la Ronge, Sulphide Lake, Dog Lake, Hepden Lake, Stanley, Souris River, Province of Saskatchewan;
C. 9.	The Pas, Province of Manitoba; Sturgeon Landing, Cumberland House, Province of Saskatchewan;
C. 10.	Flin Flon, Cranberry Portage, Gurney Gold, Elbow Lake, Sherri-don, Pukatawagan, Province of Manitoba;

such points or places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

NOW THEREFORE, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and pursuant to the provisions of subsection (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the Transport Act, 1938, be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above named points and places as recommended by the Board of Transport Commissioners for Canada.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 644

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, THE 23RD DAY OF MARCH, 1939

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL
IN COUNCIL

Whereas by Order in Council P.C. 2849, dated the 17th of November, 1938, amended by Order in Council P.C. 312, dated the 10th February, 1939, Part III of The Transport Act, 1938, relating to Transport by Air, was, pursuant to the provisions of subsection 1 (a) of Section 15 of the said Act, made applicable to transport by air by means of international or interurban air transport services between the points and places named in said Order in Council amended as aforesaid;

And whereas the Acting Minister of Transport reports that the Board of Transport Commissioners for Canada has advised that it is in receipt of an application from Canadian Airways Limited for a licence to transport passengers and goods by aircraft between Victoria and Vancouver, in the Province of British Columbia; and

That it is considered expedient that the provisions of Part III of The Transport Act, 1938, be made applicable to transport by air by means of air transport services on such interurban route;

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport and pursuant to the provisions of subsection 1 (a) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of air transport services between Victoria and Vancouver, in the Province of British Columbia, including the areas surrounding the said places where passengers embark or disembark, and/or goods shipped from and destined to the said places may be received and delivered.

E. J. LEMAIRE,

Clerk of the Privy Council.

P.C. 645

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, THE 25TH DAY OF MARCH, 1939

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL
IN COUNCIL

Whereas, by Order in Council P.C. 2849, dated the 17th of November, 1938, amended by Order in Council P.C. 312, dated the 10th of February, 1939, Part III of The Transport Act, 1938, relating to Transport by Air, was, pursuant to the provisions of subsection 1 (a) of Section 15 of the said Act, made applicable to transport by air by means of international or interurban air transport services between the points and places named in said Order in Council amended as aforesaid;

And whereas the Acting Minister of Transport reports that the Board of Transport Commissioners for Canada has suggested that in the naming of points or places under Section 15 of The Transport Act, 1938, provision be made as follows:—

“Such points or places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.”

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Transport, is pleased to amend Order in Council P.C. 2849 of the 17th November, 1938, amended as aforesaid, and it is hereby further amended to provide that the points or places therein named shall include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

E. J. LEMAIRE,
Clerk of the Privy Council.

PRIVY COUNCIL

CANADA

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by The Deputy of His Excellency the Governor General on the 28th March, 1939.

The Committee of the Privy Council have had before them a report, dated March 25, 1939, from the Minister of Transport, representing:

That, under authority of Order in Council, P.C. 221, dated the 29th of January, 1938, a contract dated the 1st of June, 1937, was entered into by His Majesty the King, represented therein by the Minister of Transport of Canada, with Trans-Canada Air Lines, covering the organization, operation and maintenance by the Corporation, subject to the provisions set out therein, at its own cost and expense, of lines of aircraft as therein set out or referred to, namely:—

- “(1) A transcontinental line of aircraft from Moncton, in the Province of New Brunswick, to Vancouver, in the Province of British Columbia, via such route as may be designated by the Governor in Council;
- (2) A line of aircraft from Lethbridge to Edmonton, via such route as may be designated by the Governor in Council;
- (3) Lines of aircraft that may be designated from time to time while this contract is in force by the Governor in Council;”

That, in addition to the lines of aircraft from Moncton to Vancouver, and from Lethbridge to Edmonton, especially mentioned in the said contract of the 4th of February, 1938, Trans-Canada Air Lines has organized, and proposes to maintain and operate, subject to the provisions of said contract, a line of aircraft between Vancouver, in the Province of British Columbia, and Seattle, in the State of Washington, U.S.A.

The Minister, therefore, on the advice of the Chief of Air Services, concurred in by the Deputy Minister of Transport, recommends:—

That, for the purposes of the said contract of the 4th of February, 1938, the route of the line of aircraft from Moncton to Vancouver be designated as a transcontinental line between Moncton, in the Province of New Brunswick, and Vancouver, in the Province of British Columbia, via Montreal, Ottawa, Toronto, North Bay, Winnipeg, Regina and Lethbridge, and the route of the line of aircraft from Lethbridge to Edmonton, as a line between Lethbridge and Edmonton, via Calgary, in the Province of Alberta, and

That the said line of aircraft between Vancouver, in the Province of British Columbia, and Seattle, in the State of Washington, U.S.A., be designated as a line of aircraft to be maintained and operated by Trans-Canada Air Lines, subject to the provisions of the said contract of the 4th of February, 1938.

The Committee concur in the foregoing recommendations and submit the same for approval.

E. J. LEMAIRE,
Clerk of the Privy Council.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, FEBRUARY, 1939

Railway accidents... 103 with 15 killed and 91 injured
 Railway accidents at highway crossings... 12 with 5 killed and 25 injured

	Killed	Injured
Passengers...	—	8
Employees...	5	74
Others...	15	34
	<hr/> 20	<hr/> 116

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

QUEBEC

Accidents	K.	I.	
1	—	1	Auto Truck—Auto truck failed to stop for crossing; ran into side of train. Licence, not obtained.
1	—	2	Automobile—Auto driver failed to stop for crossing; ran into side of train. Licence, Vermont 39228.
1	—	2	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Que. T-2071.
1	—	6	Automobile—Auto driver failed to stop for crossing; ran into side of train. Licence, Que. 110-996.
1	1	2	Automobile—Auto driver failed to stop for crossing; struck by train. Licence, Que. 75657.

ONTARIO

1	—	1	Automobile—Auto driver disregarded stop disc of railway employee; ran into side of train. Licence, Ont. 576-A-4.
1	1	4	Automobile—Automobile ran into side of train. Licence, Ont. 20-C-46.
1	2	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 400-L-5.
1	—	1	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 47094-C.

SASKATCHEWAN

1	—	2	Horse-drawn vehicle—Horse-drawn vehicle struck by train.
1	1	2	Horse-drawn vehicle—Horses, drawing sleigh, became frightened, and ran onto crossing in front of approaching train and were struck.

BRITISH COLUMBIA

1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, B.C. 24-506.
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Of the 12 accidents at Highway Crossings, 11 occurred at unprotected crossings, and 1 at a protected crossing.

Eight of the accidents occurred after sunrise, and 4 occurred after sunset.

MARCH 24, 1939.

SUMMARY OF ORDERS ISSUED BY THE BOARD

57112. March 1—Declaring the C.N.R. crossing at mileage 0-53 Thorndale Subdv. protected to Board's satisfaction.
57113. March 2—Relieving the C.P.R. from maintaining cattle guards at certain crossings on its Kingston Subdivision.
57114. March 3—Approving under Maritime Freight Rates Act, tolls published in items of supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
57115. March 3—Approving under Maritime Freight Rates Act, toll published in item of supplement to tariff filed by the C.P.R. under Sec. 9.
57116. March 3—Authorizing the Dept. of Highways for Ontario to construct two subways to carry the Kingston Road Superhighway under the single track of the Oshawa Electric Railway Co. at Simcoe St., etc., Oshawa, Ont.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57117. March 3—Approving clearances at C.N.R. sidings serving the Canadian Gypsum Co. at Guelph, Ontario.
- 57118. March 6—Approving by-law of the City of Peterborough, Ont., *re* prohibition of sounding of engine whistles and ringing of bells of locomotives.
- 57119. March 6—Declaring the C.P.R. crossing at mileage 7·85 Orangeville Subdv. protected to Board's satisfaction.
- 57120. March 4—Declaring the C.N.R. crossing at mileage 57·04 Touchwood Subdv. protected to Board's satisfaction.
- 57121. March 4—Declaring the Esquimalt and Nanaimo Railway crossing at mileage 76·56 Victoria Subdv. protected to Board's satisfaction.
- 57122. March 4—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 57123. March 3—Authorizing the C.N.R. to discontinue services of a caretaker at Allanwater, Ont.
- 57124. March 6—Approving by-law of the City of London, Ont., *re* prohibition of sounding of engine whistles and ringing of bells of locomotives.
- 57125. March 6—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 57126. March 6—Approving resolution adopted by the M. & C. Aviation Co., Ltd., authorizing the president of the company to prepare and issue freight and passenger tariff of tolls.
- 57127. March 6—Authorizing the C.N.R. to operate over subway at York Avenue, Winnipeg, Man.
- 57128. March 6—Slightly amending Order No. 56124 *re* cattle guards.
- 57129. March 6—Ordering the issuance to the Prairie Airways Ltd. of a licence to transport passengers and/or goods by aircraft between Regina and North Battleford, Sask., etc.
- 57130. March 7—Authorizing abandonment of operation of portion of the C.N.R. Middleton Subdv., commencing at Middleton Junction, mileage 53·21, and thence in a south and westerly direction to mileage 68, Nova Scotia, etc.
- 57131. March 7—Ordering the issuance to the Trans-Canada Air Lines of a licence to transport passengers and/or goods by aircraft between Montreal, Que., and Vancouver, B.C.
- 57132. March 7—Ordering the issuance to the Trans-Canada Air Lines of a licence to transport passengers and/or goods by aircraft between Lethbridge and Edmonton, Alta.
- 57133. March 7—Declaring the C.N.R. crossing of Keating St., Toronto, Ont., protected to Board's satisfaction.
- 57134. March 7—Ordering the issuance to the Trans-Canada Air Lines of a licence to transport passengers and/or goods by aircraft between Vancouver, B.C., and Seattle, Wash.
- 57135. March 8—Approving traffic agreement between the Bell Telephone Co. and the South Crosby Rural Telephone Co., Ltd.
- 57136. March 9—Approving location of storage tank, etc., of W. S. Rogers & Company on the C.N.R. at Fort Langley, B.C.
- 57137. March 8—Approving under Maritime Freight Rates Act, toll published in item of tariff filed by the C.P.R. under Sec. 9.
- 57138. March 8—Authorizing the C.N.R. to use Genera ska River Bridge at Port Hope, Ont.
- 57139. March 7—Approving clearance at siding serving the Laprairie Company Inc. at Laprairie, Que. (C.N.R.).
- 57140. March 8—Approving under Maritime Freight Rates Act, toll published in item of supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 57141. March 8—Approving abandonment of operation of C.P.R. Listowel Subdv., between mileage 0·3 to mileage 16·5; authorizing the C.N.R. to construct branch line from mileage 26·54 of its Newton Subdv. to mileage 16·5 of the C.P.R. Listowel Subdv., and to cross Reserve St. at Listowel, Ont., etc.
- 57142. March 8—Authorizing the N.Y.C. to construct connections between its railway and the proposed refuse track of the North American Cyanimid Ltd. at Niagara Falls, Ont.
- 57143. March 8—Authorizing the C.N.R. to remove shelter at Ormsby, Ont., on their Coe Hill Subdv., the siding to be left intact, etc.
- 57144. March 9—Approving by-law of Canadian Airways Limited, authorizing certain officials to prepare freight and passenger tariffs.
- 57145. March 7—Authorizing the C.N.R. to install reflectorized crossing signs on each side of crossing of 11th Street, Saskatoon, Sask.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57146. March 7—Ordering the issuance of licence for a period of one year to United Air Lines Transport Corp. to transport passengers and/or goods by aircraft between Seattle, Wash., and Vancouver, B.C.
- 57147. March 9—Approving under Maritime Freight Rates Act, toll published in item of supplement to tariff filed by the C.N.R. under Sec. 3.
- 57148. March 9—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 57149. March 9—Refusing application of Municipality of Village of Howick, Que., for an order requiring the removal of building obstructing the view at highway crossing over C.N.R., mileage 37·72 Rouses Point and Massena Subdv.
- 57150. March 9—Approving proposed location of storage tanks, etc., of Maple Leaf Petroleum Limited on the Northern Alberta Railways at Grande Prairie, Alta.
- 57151. March 9—Authorizing the C.N.R. to remove shelter at Wyton, Ont.
- 57152. March 10—Declaring the C.N.R. crossing at mileage 1·64 Burford Subdv. protected to Board's satisfaction.
- 57153. March 10—Authorizing the C.N.R. to construct their railway across the highway at mileage 86·2 Brazeau Subdv., Alta.
- 57154. March 10—Approving under Maritime Freight Rates Act, toll published in item of supplement to tariff filed by the Dominion Atlantic Railway Co. under Sec. 9.
- 57155. March 10—Approving by-law of Dominion Skyways Limited authorizing certain officials of the Dominion Skyways Limited to prepare and issue freight and passenger tolls.
- 57156. March 10—Declaring the C.P.R. crossing at mileage 96 Tisdale Subdv. protected to Board's satisfaction.
- 57157. March 10—Approving by-law of the Quebec Airways Limited authorizing certain officials to prepare and issue freight and passenger tariffs.
- 57158. March 11—Authorizing the C.N.R. to shorten the circuits operating the flashing light signals at crossing of Provencher Ave., St. Boniface, Man.
- 57159. March 13—Approving proposed location of storage tanks, etc., of the Shell Oil Company of Canada, Ltd., at Weston St., London, Ont.
- 57160. March 10—Approving traffic agreement between the Bell Telephone Co. and M. L. Davis, Rankin Telephone Co.
- 57161. March 11—Authorizing the C.N.R. to make alterations to the interlocking plant at crossing of C.N.R. with the C.P. at mileage 1·5 Kashabowie Subdv., Port Arthur, Ont.
- 57162. March 11—Approving proposed layout and location of the C.N.R. passenger and freight shelter to be erected at Orient Bay, Ont.
- 57163. March 14—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by the C.N.R. under Sec. 3.
- 57164. March 14—Authorizing the C.N.R. to use and operate the bridge across the Assiniboine River, mileage 50·4 Gladstone Subdv., Man.
- 57165. March 14—Declaring the C.N.R. crossing of Mill St., Acton, Ont., protected to Board's satisfaction, etc.
- 57166. March 17—Authorizing the C.N.R. to file on three days' notice a new tariff to correct an error.
- 57167. March 13—Approving the construction of overhead bridge across the C.N.R. on Highway No. 11 at St. Jerome, Que.
- 57168. March 18—Approving clearance of Algoma Central and Hudson Bay Rly. loading tracks at the Helen Sintering Plant at Wawa Station, Ont.
- 57169. March 16—Authorizing the Essex Terminal Railway Co. to construct three sidings upon the property and in the body plant of The Ford Motor Co. of Canada, Ltd., Windsor, Ont., etc.
- 57170. March 17—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the C.N.R. under Sec. 3.
- 57171. March 16—Approving revised appendix to traffic agreement between The Harrietsville Telephone Association, Ltd., and the Bell Telephone Co.
- 57172. March 16—Refusing application of Joint Legislative Committee of Railway Transportation Brotherhoods for an order to amend General Train and Interlocking Rules by changing periodic inspection of watches from semi-monthly to monthly.
- 57173. March 17—Approving proposed location of additional vertical storage tank of McColl-Frontenac Oil Co., Ltd., adjacent to the C.P.R. at Winnipeg St., Regina, Sask.
- 57174. March 17—Declaring the C.P.R. crossing at mileage 58·7 Gibson Subdv., protected to Board's satisfaction.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Concluded*

- 57175. March 20—Approving service station contract between the Bell Telephone Co. and the Hydro-Electric Power Commission of Ontario.
- 57176. March 20—Approving under Maritime Freight Rates Act, tolls published in tariff
- 57177. March 20 filed by the C.N.R. under Sec. 3.
- 57178. March 23—Rescinding Order No. 26645 dated October 15, 1917, authorizing the Edmonton, Dunvegan and British Columbia Railway Co. to divert the Grande Prairie Trail in the SW $\frac{1}{4}$ -9 and NW $\frac{1}{4}$ -4, 76, 5, W6M., Alta.
- 57179. March 20—Authorizing the R.M. of Bjorkdale No. 426, Sask., to construct and maintain a highway crossing over the C.N.R. on road allowance between Secs. 13 and 14, 45, 12, W2M., Sask, etc.
- 57180. March 24—Declaring the C.N.R. crossing of Park St., Chatham, Ont., protected to Board's satisfaction.
- 57181. March 24—Approving clearances of canopy over siding between warehouses of Hants Wholesalers, Ltd., at Windsor, N.S. (D.A. Ry. Co.).
- 57182. March 27—Authorizing the C.N.R. to amend their Tariff C.T.C. No. W-1438, effective March 29, 1939, to correct an error.
- 57183. March 25—Approving under Maritime Freight Rates Act, tolls published in supple-
- 57184. March 25 ments to tariffs filed by the Dominion Atlantic Railway Co., under Sec. 9.
- 57185. March 25—Ordering the issuance of licence to the British Yukon Navigation Company Ltd. to transport passengers and/or goods by aircraft between Atlin, B.C., and Carcross, Yukon Territory.
- 57186. March 25—Authorizing the Algoma Ore Properties Ltd. to construct its aerial tramway across the Algoma Central and Hudson Bay Railway near Wawa, Ont.
- 57187. March 25—Ordering the issuance of licence to the British Yukon Navigation Co., Ltd., to transport passengers and/or goods by aircraft between Whitehorse and Dawson, Yukon Territory.
- 57188. March 25—Approving plans showing the character of work to be done under tracks of the C.P.R. in connection with reconstruction of water course known as "Fosse de Glaise" at mileage 21-33 Trois Rivières Subdv.
- 57189. March 28—Approving under Maritime Freight Rates Act, tolls published in tariff filed by the C.N.R. under Sec. 3.
- 57190. March 30—Authorizing the C.N.R. to file on one day's notice a supplement to their Tariff C.T.C. No. W-1440 to correct an error.
- 57191. March 29—Declaring the Pere Marquette Railway Co. crossing at Wilson Avenue, St. Thomas, Ont., protected to Board's satisfaction.
- 57192. March 28—Slightly amending Order No. 40138 dated January 4, 1928, *re* protection at crossing.
- 57193. March 28—Approving clearances at C.N.R. siding where same crosses under trolley wires of the Ottawa Electric Railway Co. and the Preston St. bridge, Ottawa.
- 57194. March 29—Authorizing the Dept. of Roads for Quebec to construct a road diversion on Route No. 6 at Newport, Que., and to divert the C.N.R. track, etc.
- 57195. March 31—Authorizing the C.N.R. to construct spur line across Beaver Lake Road near Flin Flon, Sask., by means of an overhead bridge, etc.
- 57196. March 31—Approving proposed location of storage tanks, etc., of the McColl-Frontenac Oil Co. Ltd. at mileage 80-7 Maniwaki Subdv., C.P.R.
- 57197. March 31—Approving clearances at siding serving the Ontario Paper Company, Ltd., at Thorold, Ont. (C.N.R.).
- 57198. March 28—Relieving the C.P.R. from maintaining cattle guards at certain crossings on its Drummondville Subdv., Que.
- 57199. March 31—Declaring the C.P.R. crossing at mileage 30-19 Goderich Subdv. protected to Board's satisfaction.
- 57200. March 31—Authorizing the C.N.R. to use and operate bridge across the Portneuf River at mileage 29-7 La Tuque Subdv., Que.
- 57201. March 31—Approving by-law in so far as it prohibits the sounding within the limits of the town of Weston of the engine whistles of trains in respect of highway crossings within the limits of the town, etc.
- 57202. March 31—Approving plan showing proposed reflector highway crossing sign, in lieu of former plan, to be installed at 11th Street by the C.N.R. at Saskatoon, Sask.

Re DEMURRAGE PENALTIES ASSESSED BY THE CANADIAN CAR DEMURRAGE BUREAU
UNDER GENERAL ORDERS 201 AND 349

The following tables present in summarized form the reports of the Canadian Car Demurrage Bureau covering car demurrage charges assessed for the year 1938.

NOTE.—First two days over free time \$1 per day, three days or more, \$5 per day.

EASTERN CANADA

1938	Total cars handled	Number released within free time	Per cent	Number held over free time	Per cent	Number held under 3 days over free time	Per cent	Number held 3 days or more over free time	Per cent
January.....	148,244	142,532	96.15	5,712	3.85	4,890	3.30	822	.55
February.....	145,063	139,358	96.07	5,705	3.93	4,916	3.39	789	.54
March.....	161,932	155,276	95.89	6,656	4.11	5,443	3.36	1,213	.75
April.....	147,458	142,528	96.66	4,930	3.34	4,190	2.84	740	.50
May.....	154,660	149,195	96.47	5,465	3.53	4,586	2.96	879	.57
June.....	149,617	143,780	96.10	5,837	3.90	4,858	3.25	979	.65
July.....	142,374	136,969	96.20	5,405	3.80	4,463	3.14	942	.66
August.....	147,470	141,504	95.95	5,966	4.05	4,900	3.33	1,066	.72
September.....	155,078	149,247	96.24	5,831	3.76	4,850	3.13	981	.63
October.....	166,320	160,345	96.41	5,975	3.59	5,231	3.14	744	.45
November.....	160,497	154,781	96.44	5,716	3.56	5,032	3.13	684	.43
December.....	137,066	131,895	96.23	5,171	3.77	4,557	3.32	614	.45
Total.....	1,815,779	1,747,410	.....	68,369	.....	57,916	.....	10,453	.....
Monthly Average....	151,315	145,617	96.23	5,697	3.76	4,826	3.19	871	.58

WESTERN CANADA

January.....	82,851	80,680	97.38	2,171	2.62	2,017	2.43	154	.19
February.....	73,447	71,376	97.18	2,071	2.82	1,897	2.58	174	.24
March.....	75,538	73,801	97.70	1,737	2.30	1,632	2.16	105	.14
April.....	66,107	63,866	96.61	2,241	3.39	1,293	1.96	948	1.43
May.....	58,577	56,345	96.19	2,232	3.81	1,317	2.25	915	1.56
June.....	54,092	52,907	97.81	1,185	2.19	943	1.74	242	.45
July.....	57,197	55,956	97.83	1,241	2.17	1,084	1.90	157	.27
August.....	82,828	81,511	98.41	1,317	1.59	1,131	1.35	186	.24
September.....	116,748	114,752	98.29	1,996	1.71	1,795	1.54	201	.17
October.....	121,699	118,985	97.77	2,714	2.23	2,453	2.02	261	.21
November.....	93,372	90,823	97.27	2,549	2.73	2,355	2.52	194	.21
December.....	69,425	67,544	97.29	1,881	2.71	1,706	2.46	175	.25
Total.....	951,881	928,546	.....	23,335	.....	19,623	.....	3,712	.....
Monthly Average....	79,323	77,378	97.55	1,945	2.45	1,635	2.06	309	.39

OTTAWA, April 6th, 1939.

P. F. BAILLARGEON,
Secretary, B.T.C.

Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXIX

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No. 3

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ORDER No. 57207

In the matter of the application of Northwest Airlines Inc., hereinafter called the "Applicants," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Winnipeg, Manitoba, and Fargo, North Dakota, in the United States of America.

File No. 42007.15

SATURDAY, the 1st day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas Applicants are an incorporated company pursuant to the laws of the United States of America, and have applied for a licence under the provisions of The Transport Act, 1938, to transport passengers and/or goods by aircraft on a scheduled route between the following points and places, to wit:—

Winnipeg, Manitoba, and Fargo, North Dakota, U.S.A.: which points and places are specifically named by the Governor in Council by Order in Council P.C. 2849, dated the 17th November, 1938, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

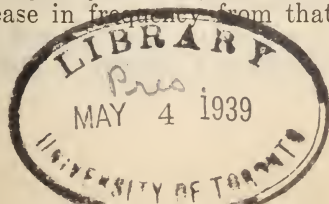
And whereas the Applicants have established to the satisfaction of the Board their right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicants have undertaken to provide a scheduled daily service by aircraft approved of and licensed by the Controller of Civil Aviation—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 10 be issued for the period of one year from the date of this Order.

2. That the Applicants be required to maintain the schedule set out herein, and be not prohibited from increasing the frequency thereof, but are required to obtain the Board's approval of any decrease in frequency from that stated in the licence.



3. That the Applicants be, and they are hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto, with respect to the submission of by-law, filing of tariffs, and submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57214

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 3rd day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 57 to Tariff C.T.C. No. E-1911
Supplement 53 to Tariff C.T.C. No. E-2248
Supplement 45 to Tariff C.T.C. No. E-2444
Tariff C.T.C. No. E-2924
Tariff C.T.C. No. E-2926
Tariff C.T.C. No. E-2927
Tariff C.T.C. No. E-2928
Tariff C.T.C. No. E-2929

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57228

In the matter of the application of the Tree Line Navigation Company, Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, dated April 4, 1939, adopted by the Board of Directors at a meeting held in Montreal on April 4, 1939, authorizing the Freight Traffic Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of vessels owned or operated by the company, and to submit the same to, and file the same with the Board.

File No. 42081.2

THURSDAY, the 6th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department—

It is ordered: That the said resolution dated 4th April, 1939, of the Tree Line Navigation Company, Limited, authorizing the Freight Traffic Manager

of the Company to prepare and issue tariffs of the tolls to be charged in respect of vessels owned or operated by the Company, and to submit the same to, and file the same with the Board, on file with the Board under file No. 42081.2, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57235

In the matter of the application of Prairie Airways Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 3, on file with the Board.

File No. 42017.4

THURSDAY, the 6th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 3 of the Prairie Airways Limited, providing for standard fares between all points on Prairie Airways Limited of eight cents per mile, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57232

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Victoria and Vancouver, in the Province of British Columbia.

File No. 42007.4.20

SATURDAY, the 8th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Victoria and Vancouver, British Columbia; which points are specifically named by the Governor in Council under Order in Council P.C. No. 644, dated March 23, 1939, pursuant to Section 15 (1) (a) of The Transport Act;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a scheduled daily service by aircraft approved of and licensed by the Controller of Civil Aviation—

Therefore the Board orders: That Licence No. C.T.C. (A.T.) 9 be issued for the period of one year from the date of this Order; and that the Applicant be, and it is hereby, required to implement the said licence forthwith by a compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57236

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 11th day of April, A.D., 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 53 to Tariff C.T.C. No. E-1247
Supplement 46 to Tariff C.T.C. No. E-2444
Supplement 19 to Tariff C.T.C. No. E-2629
Tariff C.T.C. No. E-2925
Tariff C.T.C. No. E-2934

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57240

In the matter of the application of the Canada Steamship Lines, Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Mileage Freight Tariff C.T.C. No. 41, on file with the Board.

File No. 42082.1

WEDNESDAY, the 12th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department—

It is ordered: That the said Standard Mileage Freight Tariff C.T.C. No. 41 of the Canada Steamship Lines, Limited, on file with the Board under file No. 42082.1, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57241

In the matter of the application of the Canada Steamship Lines, Limited, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors of the said Canada Steamship Lines, Limited, at a meeting held on March 22, 1939, authorizing the Chief of Tariff Bureau of the Canada Steamship Lines, Limited, to prepare and issue tariffs of tolls to be charged in respect of vessels owned or operated by the Company, and to submit the same to, and file the same with the Board.

File No. 42081.1

WEDNESDAY, the 12th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department—

It is ordered: That the said resolution of the Canada Steamship Lines, Limited, adopted at a meeting of the Board of Directors held on March 22, 1939, authorizing the Chief of Tariff Bureau of the Canada Steamship Lines, Limited, to prepare and issue tariffs of tolls to be charged in respect of vessels owned or operated by the Company, and to submit the same to, and file the same with the Board, on file with the Board under file No. 42081.1, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57242

In the matter of the application of The Tree Line Navigation Company, Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Mileage Freight Tariff C.T.C. No. 21, on file with the Board.

File No. 42082.2

WEDNESDAY, the 12th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department—

It is ordered: That the said Standard Mileage Freight Tariff C.T.C. No. 21 of The Tree Line Navigation Company, Limited, on file with the Board under file No. 42082.2, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57247

In the matter of the application of The Express Traffic Association of Canada, on behalf of member companies of the Association, under Section 365 of the Railway Act, for an Order amending clause 4 (e) of the form of Money Receipt prescribed by the Order of the Board No. 12953, dated 10th February, 1911.

File No. 4214.390

WEDNESDAY, the 12th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department—

It is ordered: That member companies of The Express Traffic Association of Canada, namely, the Algoma Central & Hudson Bay Railway, Canadian National Railways (Express Department), Canadian Pacific Express Company, Northern Alberta Railways (Express Department), and Railway Express Agency, Incorporated, be, and they are hereby, authorized to substitute for clause 4 (e) of the form of Money Receipt prescribed by Order No. 12953, dated 10th February, 1911, the following clause in the English form of contract, namely:—

“4. The Company shall not be liable:

* * * * *

(e) For a greater sum than that above stated or for more than the actual value of the shipment at the time of the receipt thereof by the Company, whichever may be the less, including the express and other charges, if paid, and the duty, if payable, or paid and not refunded; nor, in the event of partial loss or damage, for a greater proportion of the sum above stated, or of such lesser actual value, as the case may be, than that which the portion lost or damaged bears to the whole shipment.”

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57246

In the matter of the application of Prairie Airways Limited, under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by the Board of Directors at a meeting held at the office of the Company in Moose Jaw, Saskatchewan, April 8, 1939, authorizing the Managing Director of the Company to prepare and issue passenger and goods tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to, and file the same with the Board.

File No. 42057.7

FRIDAY, the 14th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of Prairie Airways Limited, adopted April 8, 1939, authorizing the Managing Director of the Company to prepare and issue passenger and goods tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to, and file the same with the Board, on file with the Board under file No. 42057.7, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57248

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 14th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. E-4877, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. E-4877, approved herein, are as follows:—

Miles	Cents per 100 pounds
5	5½
10	7
15	9½
20	11½
30	12½
40	14
45	14½
50	15
65	16½
80	17½
100	19
125	21½
150	24
175	25
200	26½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57249

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 14th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items (specified below) of the various revised pages shown as being amended on the 42 revised page 1 of Tariff C.T.C. No. E-4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items (specified below) of the various revised pages shown as being amended on the 42 revised page 1 of Tariff C.T.C. No. E-4757, approved herein, are the normal tolls for items 20, 30, 78, 660, 665, 666, and 667; also columns "C", "E", and "Q" are those shown for the corresponding items and columns in Order No. 55848, dated April 28, 1938.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57250

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 14th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 141-C of Supplement No. 26 to Tariff C.T.C. No. E-4368, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 141-C of Supplement No. 26 to Tariff C.T.C. No. E-4368, approved herein, is 175 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57251

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 14th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 116-C of Supplement No. 15 to Tariff C.T.C. No. E-4369, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 116-C of Supplement No. 15 to Tariff C.T.C. No. E-4369, approved herein, is 169 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57260

In the matter of the application of Quebec Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Rimouski and Seven Islands, in the Province of Quebec, including intermediate points.

File No. 42007.5

MONDAY, the 17th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a schedule route between the following points and places in the province of Quebec, to wit:—

Rimouski, Bersimis, Outardes Falls, Baie Comeau, Godbout, Trinity Bay, Pentecost, Shelter Bay, Clarke City, Matane, Seven Islands (with alternative terminals on lakes at Val Brilliant and Rimouski as weather conditions demand);

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the applicant has undertaken to provide a service upon the following schedule:—

Round trip daily, except Sunday, between Rimouski and Seven Islands, from December 15 to April 15, with calls once monthly, or more frequently as traffic warrants, at Bersimis, Outardes Falls, Baie Comeau, Godbout, Trinity Bay, Pentecost, Shelter Bay, Clarke City, and Matane, weather and landing conditions permitting,

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport,—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 13 be issued for the period of one year from March 31, 1939, but shall be operative only for the actual time in such period as the applicant has undertaken to provide a scheduled service as herein stated.

2. That the applicant be, and it is hereby, required to maintain the frequency of the schedule herein set out, but is not prohibited from increasing the frequency of service.

3. That the applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57261

In the matter of the application of Arrow Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between The Pas, Manitoba, Sturgeon Landing and Cumberland House, Saskatchewan.

File No. 42007.6.1

MONDAY, the 17th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the applicant is a company incorporated under "The Companies Act" in the province of Manitoba by Letters Patent dated June 7, 1932, and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places, to wit:—

The Pas, province of Manitoba; Sturgeon Landing, Cumberland House, province of Saskatchewan;

which points are specifically named by the Governor in Council under Order in Council P.C. No. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the applicant has undertaken to provide a service upon the following schedule:—

May to October, inclusive—weekly;

November to April, inclusive—bi-monthly;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport,—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 11 be issued for the period of one year from March 31, 1939.

2. That the applicant be, and it is hereby, required to maintain the frequency of the schedule herein set out, but is not prohibited from increasing the frequency of service.

3. That the applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57262

In the matter of the application of Arrow Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Flin Flon, Cranberry Portage, Gurney Gold, Elbow Lake, Sherridon, Pukatawagan, Province of Manitoba.

File No. 42007.6.3

MONDAY, the 17th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the applicant is an incorporated company under "The Companies Act" in the province of Manitoba by Letters Patent dated June 7, 1932, and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places, to wit:—

Flin Flon, Cranberry Portage, Gurney Gold, Elbow Lake, Sherridon, Pukatawagan, province of Manitoba;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the applicant has undertaken to provide a service upon the following schedule:—

Weekly between Flin Flon, Sherridon, and Pukatawagan, Manitoba, with stops at Cranberry Portage, Gurney Gold, and Elbow Lake, Manitoba, when required;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport,—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 12 be issued for the period of one year from March 31, 1939.

2. That the applicant be, and it is hereby, required to maintain the frequency of the schedule herein set out, but is not prohibited from increasing the frequency of service.

3. That the applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57265

In the matter of the application of Northwest Steamships Limited, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors on April 12, 1939, authorizing the General Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.3

TUESDAY, the 18th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of its Assistant Director, Traffic Department,—

The Board orders: That the said resolution of the Northwest Steamships Limited, adopted April 12, 1939, authorizing the general manager of the company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.3, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57267

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 18th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3, namely:—

Supplement No. 49 to Tariff C.T.C. No. E-1258
 Supplement No. 48 to Tariff C.T.C. No. E-1689
 Supplement No. 61 to Tariff C.T.C. No. E-1829
 Supplement No. 6 to Tariff C.T.C. No. E-2437
 Supplement No. 4 to Tariff C.T.C. No. E-2769
 Supplement No. 1 to Tariff C.T.C. No. E-2909
 Supplement No. 1 to Tariff C.T.C. No. E-2926
 Tariff C.T.C. No. E-2937
 Tariff C.T.C. No. E-2945

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 587

In the matter of the General Order of the Board No. 459, dated June 7, 1928, amending "Shipping Container Specification No. 14" of the regulations for the transportation by freight of explosives, approved by General Order No. 204, dated August 11, 1917.

File No. 1717.38.1

WEDNESDAY, the 12th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner*

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon reading the application of the Railway Association of Canada for a modification of the said General Order No. 459; and upon the report and recommendation of the Chief Operating Officer of the Board,—

It is ordered: That the said General Order No. 459, dated June 7, 1928, be, and it is hereby, amended as follows, namely:—

(1) Paragraph 11 (b) to be struck out and the following substituted therefor:—

"(b) Nails must be 4-penny and cement-coated; plain nails driven through and clinched are permitted for cleats."

(2) Paragraph 12 (c) to be struck out and the following substituted therefor:—

"(c) Nails must be 5-penny and cement-coated. When gross weight is not over 65 pounds, 4-penny nails are authorized."

(3) Paragraph 13 (c) is struck out and the following substituted therefor:—

“(c) Nails must be 4-penny cement-coated.”

(4) Paragraph 13 (d) is struck out and the following substituted therefor:—

“(d) Tops and bottoms must be fastened to ends with nails as follows: To determine the minimum number of nails to be used for fastening top and bottom to ends, divide the width of the top and bottom, in inches, by $1\frac{3}{4}$. Fractions greater than $\frac{1}{4}$ inch in the result shall be considered whole numbers.

Tops and bottoms must be fastened to sides with nails spaced approximately 6 to 8 inches apart.”

(5) Paragraph 14 (c) is struck out and the following substituted therefor:—

“(c) Nails must be 4-penny cement-coated.”

H. GUTHRIE,
Chief Commissioner.

OTTAWA, March 14, 1939.

CIRCULAR No. 243

File No. 40996

To All Water Carriers

Subject to the Transport Act, 1938, Part II:

Under the direction of the Board, I am instructed to advise you as follows:—

On February 17, 1939, you were furnished with a supply of application forms upon which you would apply to the Board for a licence to transport passengers and/or goods by water. You have also been supplied with a copy of the Board's General Order No. 583 prescribing regulations governing the construction and filing of freight tariffs for transportation by water.

Pursuant to Section 12 of the Act, Part II, “Transport by Water,” has been proclaimed as in force in respect of the “Great Lakes” as defined in subsection 1 (f) of Section 2 of the said Act, which reads as follows:—

“‘Great Lakes’ means lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, and shall include the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.”

Therefore the relevant provisions of the Act are now applicable to any transportation by water in the proclaimed area requiring licensing by the Board.

Inasmuch as applications for licences are not being promptly filed with the Board, it is possible some unavoidable delay will occur in the consideration of applications reaching the Board prior to the opening of navigation. It is not the Board's desire to prevent legitimate service by water from being performed in the event the issuance of the licence is delayed by reason of the necessity for proper consideration of applications not yet received.

The Board therefore directs me to advise you that it will grant temporary authority to operate without licence to all applicants who will have submitted their applications prior to April 15, 1939, ON THE CONDITION that such applicants will file with the Board, on or before April 15, 1939, their tariffs of tolls prepared in accordance with the provisions of General Order No. 583.

The foregoing relates only to transport by water in ships required to be licensed.

I am further directed to state that any carriers transporting passengers and/or goods in contravention of the Act—namely, without having filed application for licence, and without having filed tariffs of tolls—will render themselves liable to the penalty provisions set out in the Act and the Board will be compelled to consider the imposition of such penalties upon any such delinquents.

The Board's officers are prepared to afford any assistance within their power to those applying for licences, and it is particularly desirous that you be seized with the necessity of submitting your applications promptly and that such applications include all relevant data set out on page 3 of the application. No application can receive consideration without the submission of such data.

By order of the Board.

P. F. BAILLARGEON,
Secretary.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 4

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ORDER No. 57280

In the matter of the application of Paterson Steamships Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Board of Directors on April 14, 1939, authorizing the Traffic Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.4

TUESDAY, the 18th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

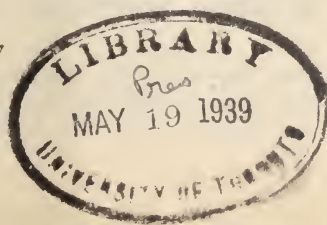
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of its Assistant Director, Traffic Department,—

The Board orders: That the said resolution of Paterson Steamships Limited, adopted April 14, 1939, authorizing the Traffic Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.4, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

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ORDER No. 57285

In the matter of the application of the Norris Steamships Limited, under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by the Directors of the Company at a meeting held in Toronto, April 17, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.6

WEDNESDAY, the 19th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of the Norris Steamships Limited, adopted April 17, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.6, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57287

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 19th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.T.C. No. E-4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act; the proportions of joint rates in items 3110 and 3925 to be reported for the Temiscouata Railway Company at 6½ cents and 10 cents per 100 pounds, respectively; the Canadian Pacific Railway Company, the balance.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. E-4878, approved herein, are as follows:—

Item	Cents per 100 pounds	
160	Any Quantity	18
190	From	Minimum
Saint John, N.B.	20	2,000 pounds
St. Stephen, N.B.	20	15
300		22½
310		18
520		12½
580	To	
Kingston, Ont.		37½
Montreal, Que.		33
Toronto, Ont.		37
590		62½
	(12)	47
	C.L.	Any Quantity
620	To	
Saint John, N.B.	16½	22½
West Saint John, N.B.	14	14
673	To	
Montreal, Que.		40
Quebec, Que.		43
	C.L.	Any Quantity
830	15	20
860		12½
2175		9½
2865		2½
2995		6
3003		..
Index	From	
105	Welsford, N.B.	4½
110	Clarendon, N.B.	
115	Wirral, N.B.	
120	Enniskillen, N.B.	5
125	Hoyt, N.B.	
135	Bailey, N.B.	
140	Fredericton Jct., N.B.	5½
145	Tracy, N.B.	
150	Vespra, N.B.	
to	to	6
165	Harvey, N.B.	
170	Prince William, N.B.	
to	to	6½
185	McAdam, N.B.	
935	Rusagonis, N.B.	
to	to	6
970	Fredericton, N.B.	
1105	Barber Dam, N.B.	
1110	Lawrence, N.B.	6½
1115	Watt, N.B.	
to	to	7½
1150	St. Stephen, N.B.	
1415	Dunbarton, N.B.	
to	to	7½
1460	Chamcook, N.B.	
1465	Bar Road, N.B.	
1470	St. Andrews, N.B.	8½
1815	Cottrell, N.B.	
1820	Sugar Brook, N.B.	7
1830	Deer Lake, N.B.	
to	to	7½
1865	Wickham, N.B.	
1870	Debec Jct., N.B.	
to	to	8½
1945	Florenceville, N.B.	
1950	Bristol, N.B.	
to	to	9
1995	Perth Jct., N.B.	
2430	McKenna, N.B.	8½
2435	Shewan, N.B.	
to	to	7½
2480	Burt's Lake Siding, N.B.	
2485	Barton, N.B.	
2490	Hayne, N.B.	7
2495	Stoneridge, N.B.	
2500	Zealand, N.B.	
to	to	6½
2530	Clanfield, N.B.	

Item		Cents per 100 pounds			
Index					
2535	Nashwaaksis, N.B.	6			
to	to				
2550	South Devon, N.B.				
2670	Caverhill, N.B.	7½			
to	to				
2685	Otis, N.B.				
40	Ripples, N.B.	6½			
10	Newcastle Bridge, N.B.	7½			
35	Cumberland Bay, N.B.	8½			
45	Young's Cove Road, N.B.	9			
55	Washademoak, N.B.	9			
		Minimum weights			
		24,000	33,000 lbs.		
Item	To				
3110	Baker Brook, N.B.	38½	..		
	Edmundston, N.B.	30½	..		
	Fredericton, N.B. . . . .	..	10½		
	Grand Falls, N.B.	29	..		
	Perth Jct., N.B.	27½	..		
	Woodstock, N.B. . . . .	..	25		
The Temiscouata Railway Company's proportion, 8 cents per 100 pounds; Canadian Pacific					
Railway Company, the balance.					
Item		Minimum Weights			
		30,000	40,000	60,000	80,000
		Cents per 100 pounds			
3900	To				
	Belleville, Ont. . . . .	..	39	34	31½
	Brantford, Ont. . . . .	..	35	..	32½
	Brockville, Ont.	39	..	33	31
	Chatham, Ont. . . . .	..	..	40½	..
	Chesterville, Ont.	40	..	..	..
	Cornwall, Ont.	32	..	..	31
	Drummondville, Que.	39½	..	..	..
	Fenwick, Ont. . . . .	..	35½	..	..
	Fonthill, Ont. . . . .	..	35½	..	..
	Fort William, Ont. . . . .	..	..	39	37
	Garthby, Que. . . . .	..	35½	..	..
	Grand Mere, Que.	33½	..	..	..
	Guelph, Ont. . . . .	..	34½	..	..
	Hamilton, Ont. . . . .	..	..	33	31
	Ingersoll, Ont. . . . .	..	37	..	..
	Kingston Ont. . . . .	..	..	32½	30½
	Kitchener, Ont. . . . .	..	35	..	..
	Levis, Que. . . . .	..	..	30½	27
	Lindsay, Ont. . . . .	..	36½	..	..
3905	Listowel, Ont. . . . .	..	41	..	..
	London, Ont. . . . .	..	..	33½	31
	Magog, Que.	37½	..	..	..
	Megantic, Que.	41	..	..	..
	Montreal, Que. . . . .	..	..	30½	25
	Niagara Falls, Ont. . . . .	..	35½	35	..
	Niagara-on-the-Lake, Ont. . . . .	..	34½	..	..
	Orillia, Ont. . . . .	..	36½	..	..
	Oshawa, Ont. . . . .	..	35	33½	31
	Ottawa, Ont. . . . .	..	..	33	31
	Owen Sound, Ont. . . . .	..	38½	36½	..
	Parry Sound, Ont. . . . .	..	49	..	..
	Pembroke, Ont.	44	..	..	..
	Perth, Ont.	42½	..	..	..
	Peterboro, Ont. . . . .	..	35½	..	..
	Port Arthur, Ont. . . . .	..	..	39	37
	Port Dalhousie, Ont. . . . .	..	35½	..	..
	Quebec, Que. . . . .	..	..	30½	27
3910	St. Catharines, Ont. . . . .	..	35½	33	..
	St. Davids, Ont. . . . .	..	34½	..	..
	St. Evariste, Que. . . . .	..	36½	..	..
	St. Thomas, Ont. . . . .	..	39½	..	..
	Sarnia, Ont. . . . .	..	43	36½	34
	Sault Ste. Marie, Ont.	58½	..	36	34
	Shawinigan Falls, Que.	33½	..	..	..
	Sherbrooke, Que.	38½	..	..	..
	Simcoe, Ont. . . . .	..	38	..	33½
	Smiths Falls, Ont.	41	..	..	..
	Thetford Mines, Que.	44½	35½	..	..
	Thorold, Ont. . . . .	..	..	33	31
	Toronto, Ont. . . . .	..	..	33½	31
	Trois Rivières, Que. . . . .	..	32	31	26

Item	Minimum Weights			
	30,000	40,000	60,000	80,000
	Cents per 100 pounds			
Tweed, Ont.	44	..	..
West Fort William, Ont.	39	37
Windsor, Ont.	43	36½	34

Item	To	Minimum Weights			
		24,000	30,000	40,000	60,000
		Cents per 100 pounds			
3925	Cabano, Que.	37½	..	..	..
	Edmundston, N.B.	29½	..	..	27
	Fredericton, N.B. . . . .	..	10½	..	..
	Grand Falls, N.B. . . . .	..	29	..	..
	Notre Dame du Lac, Que.	37½	..	..	..
	Perth Jct., N.B. . . . .	..	22½	..	..
	Woodstock, N.B. . . . .	..	..	20	..

The Temiscouata Railway Company's proportion, 12½ cents per 100 pounds; Canadian Pacific Railway Company, the balance.

4000 The normal tolls will be those shown for Scale "J" in Tariff C.T.C. No. E-4221.

(12) For explanation of reference mark, see page 4 of tariff.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57288

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 19th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1093, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1093, approved herein, are as follows:—

Item	From	Cents per 100 pounds	
		Lake and rail	All rail
1	Wolfville, N.S.	52½	55½
	Port Williams, N.S.	52	
	Lakeville, N.S.	52½	
	Waterville, N.S.	52	
	Berwick, N.S.	52	
	Aylesford, N.S.	52½	
	Kingston, N.S.	52½	
	Middleton, N.S.	51	56½
	Lawrencetown, N.S.	51	55½
	Bridgetown, N.S.	51½	57
2	To		
	Sault Ste. Marie, Ont. . . . .	..	54½
	Fort William, Ont.	48½	54
	Port Arthur, Ont.		
	West Fort William, Ont.		

One and one-half cents per 100 pounds to be deducted account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57289

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 19th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1092, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1092, approved herein, are as follows:—

Miles	Cents per 100 pounds
5	5½
10	6½
15	9½
20	11½
30	12½
40	14
45	14½
50	15
65	16
80	17½
100	18½
125	21½
150	24
175	25
200	26

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57298

In the matter of the application of the Upper Lakes and St. Lawrence Transportation Company Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Directors of the Company at a meeting held in Toronto, April 17, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.8

WEDNESDAY, the 19th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of the Upper Lakes and St. Lawrence Transportation Company Limited, adopted April 17, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.8, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57299

In the matter of the application of the Blue Line Motorships Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Directors of the Company at a meeting held in Toronto, April 17, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.9

WEDNESDAY, the 19th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of the Blue Line Motorships Limited, adopted April 17, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.9, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57301

In the matter of the application of the Hall Corporation of Canada, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Board of Directors at a meeting held in Montreal, April 5, 1939, authorizing the Secretary of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.10

WEDNESDAY, the 19th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of the Hall Corporation of Canada, adopted April 5, 1939, authorizing the Secretary of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.10, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57302

In the matter of the application of The Northland Steamship Company Limited, under Section 18 of the Transport Act, 1938, for approval of resolution, adopted by the Directors of the Company at a meeting held in Toronto, April 17, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.7

WEDNESDAY, the 19th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of The Northland Steamship Company Limited, adopted April 17, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.7, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57303

In the matter of the application of the Foote Transit Company, Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Directors of the Company at a meeting held on April 15, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.5

WEDNESDAY, the 19th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department, of the Board,—

It is ordered: That the said resolution of the Foote Transit Company, Limited, adopted April 15, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.5, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57286

In the matter of Application No. 1 for approval of agreement, pursuant to the provisions of Part V of The Transport Act, 1938, between the Canadian National Railway Company, the Canadian Pacific Railway Company, and Gair Company Canada, Limited, on Boxboard, carloads, from Montreal, Quebec and Toronto, Ontario, to Edmonton, Alberta, at an Agreed Charge of \$1.10 per 100 pounds, subject to the conditions set out in the said agreement on file with the Board.

File No. 40994.1

FRIDAY, the 21st day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Board's regulations with respect to "Agreed Charges," as contained in General Order No. 581, have been complied with, and there is no objection on file with the Board from any party with respect to the said agreement; And whereas the Board has given consideration to the said agreement, having regard to the provisions of Section 35 of The Transport Act, 1938,—

It is ordered: That the said agreement be, and it is hereby, approved for a period of one year from April 21, 1939.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57307

In the matter of the application of Sarnia Steamships Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Board of Directors at a meeting held in Port Colborne, Ontario, on April 13, 1939, authorizing the Assistant Secretary of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.11

FRIDAY, the 21st day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department, of the Board,—

It is ordered: That the said resolution, adopted by the Sarnia Steamships Limited, April 13, 1939, authorizing the Assistant Secretary of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.11, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57308

In the matter of the application of Colonial Steamships, Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution adopted by the Board of Directors at a meeting held in Port Colborne, Ontario, April 13, 1939, authorizing the Assistant Secretary of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.12

FRIDAY, the 21st day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department, of the Board,—

It is ordered: That the said resolution of the Colonial Steamships, Limited, adopted by the Board of Directors on April 13, 1939, authorizing the Assistant Secretary of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.12, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57305

In the matter of the application of McKellar Steamships Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Board of Directors at a meeting held in Port Colborne, Ontario, April 13, 1939, authorizing the Assistant Secretary of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.13

SATURDAY, the 22nd day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of McKellar Steamships Limited, adopted April 13, 1939, authorizing the Assistant Secretary of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.13, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57306

In the matter of the application of the British Yukon Navigation Company, Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Board of Directors at a meeting held in Vancouver, April 11, 1939, authorizing the President, and Vice-President and General Manager, of the Company, or either of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.9

SATURDAY, the 22nd day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of the British Yukon Navigation Company, Limited, adopted April 11, 1939, authorizing the President, and Vice-President and General Manager, of the Company, or either of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.9, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57325

In the matter of the application of the Inland Lines Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution, adopted by the Directors at a meeting held in Winnipeg, January 9, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.15

SATURDAY, the 22nd day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of the Inland Lines Limited, adopted January 9, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.15, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57326

In the matter of the application of the North American Transports Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution adopted by the Directors at a meeting held in Montreal on January 25, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.14

SATURDAY, the 22nd day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of the North American Transports Limited, adopted January 25, 1939, authorizing the President and/or Secretary and/or Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.14, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57319

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

MONDAY, the 24th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in items 640 and 650 from Matane, Que., item 710 and item 945 to Matane, Que., in Tariff C.T.C. No. E-2925, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Canada & Gulf Terminal Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Canada & Gulf Terminal Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 640 and 650 from Matane, Que., item 710 and item 945 to Matane, Que., in Tariff C.T.C. No. E-2925, approved herein, are as follows:—

Items		Cents per 100 pounds	
		Tariff	Normal
640	From Matane, Que. }		
650	Matane, Que. }	3	3 $\frac{3}{4}$
710		4	5
945	To Matane, Que.	8	10

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57320

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

MONDAY, the 24th day of April, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in items 760 to Baker Brook, New Brunswick, 935 to Cabano, Quebec, and 950 to Notre Dame du Lac, Quebec, in Tariff C.T.C. No. E-2925, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 760 to Baker Brook, New Brunswick, 935 to Cabano, Quebec, and 950 to Notre Dame du Lac, Quebec, in Tariff C.T.C. No. E-2925, approved herein, are as follows:—

Items		Cents per 100 pounds	
		Tariff	Normal
760	To Baker Brook, N.B.	6 $\frac{1}{2}$	8
935	Cabano, Que.	10	12 $\frac{1}{2}$
950	Notre Dame du Lac, Que.	10	12 $\frac{1}{2}$

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57321

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

MONDAY, the 24th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in item 955 to Springhill, Nova Scotia, in Tariff C.T.C. No. E-2925, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act; the Cumberland Railway and Coal Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Cumberland Railway and Coal Company's proportion of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 955 to Springhill, Nova Scotia, in Tariff C.T.C. No. 2925, approved herein, is—

Tariff	5
Normal	6

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57322

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.12

MONDAY, the 24th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in item 80 and from indices numbers shown below in Supplement No. 52 to Tariff C.T.C. No. E-4322, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 80, and from indices numbers shown below, in Supplement No. 52 to Tariff C.T.C. No. E-4322, approved herein, are as follows:—

Item 80		Cents per 100 pounds 32
Index	From	
2875	Barker, N.B.	The normal tolls will be those shown under rate group "A" in effect prior to July 1st, 1927, appearing in Tariff C.T.C. No. E-4203.
2876	Scott, N.B.	
2877	Glennie, N.B.	
2878	Lakorn, N.B.	
2879	Ripples, N.B.	
2880	McGill, N.B.	
2882	Minto, N.B.	
2898	Newcastle Bridge, N.B.	
2901	Midland, N.B.	
2903	Iron Bound Cove, N.B.	
2907	Pennlyn, N.B.	
2909	Cumberland Bay, N.B.	

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57323

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 24th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 235B to Matane, Quebec, in Supplement No. 19 to Tariff C.T.C. No. E-2629, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Canada and Gulf Terminal Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Canada and Gulf Terminal Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 235B to Matane, Quebec, in Supplement No. 19 to Tariff C.T.C. No. E-2629, approved herein, is—

	Cents per 100 pounds
Tariff	12½
Normal	15½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57330

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 24th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 73 to Tariff C.T.C. No. E-1244.
Supplement No. 49 to Tariff C.T.C. No. E-1689.
Supplement No. 54 to Tariff C.T.C. No. E-2248.
Supplement No. 22 to Tariff C.T.C. No. E-2448.
Supplement No. 28 to Tariff C.T.C. No. E-2526.
Supplement No. 4 to Tariff C.T.C. No. E-2804.
Supplement No. 1 to Tariff C.T.C. No. E-2925.
Tariff C.T.C. No. E-2948.
Tariff C.T.C. No. E-2950.
Tariff C.T.C. No. E-2952.
Tariff C.T.C. No. E-2955.
Tariff C.T.C. No. E-2957.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57317

In the matter of the application of the Canadian National Railways, herein after called the "Applicants," for permission to amend their Tariff C.T.C. No. E-2115 on less than statutory notice, to correct a clerical error.

File No. 27612.199

TUESDAY, the 25th day of April, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas, through clerical error in Item No. 5862, 56th Revised Page 218 of the Applicants' Tariff C.T.C. No. E-2115, a rate of 330 cents per ton of 2,240 pounds is published on scraps or pieces, iron or steel, etc., from Isle Maligne, Quebec, to Quebec, Quebec, instead of 420 cents per ton of 2,240 pounds; and in order that the proper and intended rate may be applied, the Applicants now desire to make correction on less than statutory notice:—

It is therefore ordered: That the Applicants be, and they are hereby, granted leave to file on one day's notice a Revised Page to their Tariff C.T.C. No. E-2115, to correct the said error.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57318

In the matter of the application of the Express Traffic Association of Canada, hereinafter called the "Applicant," for permission to amend its Tariff C.T.C. No. E.T. 2880 on less than statutory notice, to correct a typographical error.

File No. 27612.198

TUESDAY, the 25th day of April, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas through typographical error in Item 2, Section 3, of Supplement 35 to Applicant's Tariff C.T.C. No. E.T. 2880, a rate of 67 cents per 100 pounds is published on fish, in less than carload quantities, from New Westminster, B.C., to New York, N.Y., instead of 867 cents per 100 pounds; and, in order that the proper and intended rate to New York, N.Y., may be applied, the Applicant now desires to make correction on less than statutory notice:—

It is therefore ordered: That the Applicant be, and it is hereby, granted leave to amend its Tariff C.T.C. No. E.T. 2880, effective May 15, 1939, to correct the said error, subject to similar authority being received from the Interstate Commerce Commission.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57332

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 26th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 52B from Newport, Nova Scotia, in Supplement No. 12 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 52B from Newport, Nova Scotia, in Supplement No. 12 to Tariff C.T.C. No. 1063, approved herein, is 7½ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57333

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 26th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1097, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1097, approved herein, are as follows:—

	Cents per 100 pounds	
	Tariff	Normal
Via Truro, N.S.	6.25	7.8
Windsor Junction, N.S.	5.5	6.9

The normal toll to Truro, Nova Scotia, is 10 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner

ORDER No. 57334

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 26th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 19 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 19 to Tariff C.T.C. No. 986, approved herein, are as follows:—

Item	Cents per 100 pounds	
	Tariff	Normal
53	11.2	14
133	25.6	32

H. GUTHRIE,
Chief Commissioner

ORDER No. 57339

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

THURSDAY, the 27th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published to Timmins, Ontario, in Supplement No. 22 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal and Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried to Timmins, Ontario, under the said Supplement No. 22 to Tariff C.T.C. No. 194, approved herein, is 580 cents per ton of 2,000 pounds.

H. GUTHRIE,
Chief Commissioner

ORDER No. 57359

In the matter of the application of Trans-Canada Air Lines, under Section 18 of The Transport Act, 1938, for approval of By-law No. 4, adopted by the Board of Directors on April 13, 1939, authorizing the Vice-President in charge of operations, or the Assistant to the Vice-President in charge of operations, or the General Traffic Manager of the Corporation to prepare and issue passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Corporation; and also authorizing the General Manager, Express Services, to prepare and issue tariffs of tolls to be charged for the carriage of goods in respect of the aircraft owned or operated by the Corporation.

File No. 42057.1

SATURDAY, the 28th day of April, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered:

1. That the said By-law No. 4 of the Trans-Canada Air Lines, adopted April 13, 1939, authorizing the Vice-President in charge of operations; or the Assistant to the Vice-President in charge of operations, or the General Traffic Manager of the Corporation to prepare and issue passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Corporation; also authorizing the General Manager, Express Services, to prepare and issue tariffs of tolls to be charged for the carriage of goods in respect of the aircraft owned or operated by the Corporation,—the said By-law being on file with the Board under file No. 42057.1, be, and it is hereby, approved.

2. That Order No. 57006, dated 26th January, 1939, approving By-law No. 2 of the said Corporation, be, and it is hereby, rescinded.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57363

In the matter of the application of M & C Aviation Company Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Big River and Lac la Loche, and intermediate points, all in the Province of Saskatchewan.

File No. 42007.9

MONDAY, the 1st day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is a company incorporated under the laws of the Province of Saskatchewan for the purpose of conducting, among other things, the business of transport by aircraft, and has applied for a licence, under the

provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places in the Province of Saskatchewan, to wit:—

Big River, Dore Lake, Beauval, Ile a la Crosse, Buffalo Narrows, Lac la Loche,

which points and places are specifically named by the Governor in Council under Order in Council P.C. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

Andwhereas the Applicant has undertaken to provide a service on the following schedule:—

Weekly —between Big River, Dore Lake, Beauval, Ile a la Crosse, Buffalo Narrows;

Monthly—between Ile a la Crosse, Buffalo Narrows, Lac la Loche, as an extension of the weekly service herein described—

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 14 be issued for the period of one year from March 31, 1939;

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57366

In the matter of the tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 2nd day of May, A.D. 1939

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 2 to Tariff C.T.C. No. E-2925
Tariff C.T.C. No. E-2960
Tariff C.T.C. No. E-2965
Tariff C.T.C. No. E-2968
Tariff C.T.C. No. E-2970
Tariff C.T.C. No. E-2971

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57369

In the matter of the Order of the Board No. 57288, dated 21st April, 1939, approving an agreement, pursuant to the provisions of Part V of The Transport Act, 1938, between the Canadian National Railway Company, the Canadian Pacific Railway Company, and Gair Company, Canada, Limited, on boxboard, carloads, from Montreal, Quebec, and Toronto, Ontario, to Edmonton, Alberta, at an Agreed Charge of \$1.10 per 100 pounds.

File No. 40994.1

TUESDAY, the 2nd day of May, A.D. 1939

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

Upon reading what has been filed on behalf of the Canadian National Railways and the report of the Director, Traffic Department of the Board—

It is ordered: That the said Order No. 57236, dated 21st April, 1939, be, and it is hereby amended by striking out the last paragraph thereof and substituting therefor the following, namely:—

It is ordered: That the said agreement be, and it is hereby, approved, and shall come into effect on April 21, 1939, and shall continue until terminated by either party by a three months' notice in writing, at the end of one year from the said approval or any time thereafter.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57367

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 3rd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.T.C. No. 1098, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1098, approved herein, are as follows:—

From	To	Cents per 100 pounds
Aylesford, N.S.....	Quebec, Que.....	47
Middleton, N.S.....	Montreal, Que.....	47½
Middleton, N.S.....	Hamilton, Ont.....	51

One and one-half cents per 100 pounds to be deducted on account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57368

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 3rd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1094, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1094, approved herein, are as follows:—

Item		Cents per 100 pounds
1	To Kingston, Ont.	40
	Montreal, Que.	34
	Toronto, Ont.	38
2	Montreal, Que.	35½
	Toronto, Ont.	40
3	From Halifax, N.S.	43
	Yarmouth, N.S.	43½
4	To Guelph, Ont.	45½
	Simcoe, Ont.	45
	Toronto, Ont.	40
5	Halifax, N.S., rates as covered by previous Order or Orders.	
6	To Montreal, Que.	52
	Quebec, Que.	50

One and one-half cents per 100 pounds to be deducted on account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57375

In the matter of the application of the undermentioned water carriers, under Section 21 of The Transport Act, 1938, for approval of their Standard Freight Tariffs of Maximum Mileage Tolls.

File No. 42082

WEDNESDAY, the 3rd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

It is ordered: That the following Standard Freight Tariffs of Maximum Mileage Tolls be, and they are hereby, approved, effective April 15, 1939, namely:—

	C.T.C. No.
Northwest Steamships Limited.....	1
Sarnia Steamships Limited.....	1
McKellar Steamships Limited.....	1
Colonial Steamships Limited.....	1
Canadian Pacific Railway Company (Great Lakes Steamship Service)	E. 4881
Paterson Steamships Limited.....	1
Upper Lakes and St. Lawrence Transportation Company, Limited.....	1
Norris Steamships Limited.....	1
Blue Line Motorships Limited.....	1

	C.T.C. No.
The Northland Steamship Company, Limited.....	1
The Foote Transit Company, Limited.....	1
Hall Corporation of Canada.....	1
Inland Lines Limited.....	1
North American Transports Limited.....	1
Calvin Shipping Company, Limited.....	1

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57376

In the matter of the application of the Canadian Freight Association, under Section 322 of the Railway Act, for approval of proposed Supplement No. 2 to Canadian Freight Classification No. 19, on file with the Board.

File No. 33365.119

WEDNESDAY, the 3rd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas notice has been given by the Canadian Freight Association in *The Canada Gazette*, as required by Section 322 of the Railway Act, and copies of the said supplement furnished to the parties named in the General Orders of the Board Nos. 271, 348, 353, 469, and 471, with the request that their objections, if any, be filed with the Board—

It is ordered: That the said proposed Supplement No. 2 to Canadian Freight Classification No. 19 be, and it is hereby, approved, subject to the following changes:—

- (a) Items 2 and 4, page 9, covering Fruit Juices, unfermented, not concentrated, other than frozen, to be deleted, based on objection submitted by Shanahan's Limited, Vancouver, who desire to have the matter set down for hearing at sittings of the Board in Vancouver before being finally dealt with by the Board;
- (b) Items 36 and 37, page 13, covering inclusion of boots and shoes under the distinctive heading of "Rubber Goods," to be deleted pending public hearing by the Board, which has been applied for, for the purpose of submitting further representations with respect to objections filed with regard thereto; and
- (c) Provision to be made in the said proposed Supplement, amending Item 31, page 136 of the Classification, to read—

Asphalt—

Solid (See Note 1)	
In barrels with or without heads, or in bags.....	4
In single trip iron or steel drums, 30 gauge or thicker.....	4
C.L., min. wt. 36,000 lbs.....	7

H. GUTHRIE,
Chief Commissioner.

P.C. 930

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 25th day of April, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, by Proclamation duly issued under date the 4th January, 1939, pursuant to Order in Council P.C. 3269 of the same date, it was declared and directed that Part II of The Transport Act, 1938, relative to Transport by Water, should come into force, in respect of the "Great Lakes," as defined in Subsection (1) (f) of Section 2 of the said Act, and have effect upon, from and after the 15th day of January, 1939;

And whereas, by Subsection (1) (k) of Section 2 of the said Act, a "ship" is defined as including every description of vessel exceeding five hundred tons gross tonnage;

And whereas, by Subsection (2) of Section 12 of the said Act, it is provided that the Governor General in Council may, by regulation, exempt any ship or class of ships from the operation of Part II of the said Act;

And whereas the Minister of Transport reports that, under date the 18th March, 1939, the Board of Transport Commissioners for Canada has recommended that the Governor General in Council exempt from the operation of Part II of the said Act the S.S. *Caribou*, of 597 gross tons, owned by the Dominion Transportation Company, Limited, and the S.S. *Manitoulin*, of 913 gross tons, owned by the Owen Sound Transportation Company, Limited; and

That the circumstances relating to the application made by the said Companies to the Board, in the matter, may be summarized as follows:—

The Dominion Transportation Company is also the owner of the S.S. *Manitou*, of 470 gross tons, and the Owen Sound Transportation Company of the S.S. *Normac*, of 462 gross tons, which ships, being under 500 tons gross tonnage, are exempt from the provisions of The Transport Act, 1938.

These two companies pool their interests and operate their ships under a pool committee, as both companies cover exactly the same route and call at the same ports, and the amount of business is not sufficient to permit of separate operation.

Two of the four ships are operated as passenger and package freight carriers out of Owen Sound, calling at Manitoulin Island and north channel ports to Sault Ste. Marie, thence by Lake Superior direct to Michipocoten Island and River and return.

The other two vessels are operated as automobile ferries between the ports of Tobermory, on the Bruce Peninsula, and South Baymouth, on Manitoulin Island.

During the season of navigation the four ships are at some time used on either service; that is to say, they are changed around to meet traffic requirements, and the same ship does not always operate on the freight and passenger run.

The S.S. *Manitoulin* is operated only during the months of July and August.

When the two ships of over 500 tons are used for carrying passengers and goods, they are subject to The Transport Act, 1938, and tariffs of tolls must be published and adhered to, while, when the other two ships are being used, the said Act is not applicable and the tolls charged are not subject to regulation and may be at variance with those in the published tariff.

The Companies advise further that, within the territory covered by their operations, they are subjected to keen competition from unregulated transportation agencies in the form of both ship and truck service, and if they are required to come under the provisions of the said Act and to adhere to published tolls when using ships over 500 tons gross tonnage, they would be at a disadvantage, as their competitors would be free to underquote the published tolls to any extent necessary in order to capture a large share of the business available.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to exempt and doth hereby exempt the S.S. *Caribou*, of the Dominion Transportation Company, Limited, and the S.S. *Manitoulin*, of the Owen Sound Transportation Company, Limited, from the operation of Part II of The Transport Act, 1938, for the season of navigation of 1939, only.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 944

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, THE 25TH DAY OF APRIL, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas, by Proclamation duly issued under date the 4th January, 1939, pursuant to Order in Council P.C. 3269 of the same date, it was declared and directed that Part II of The Transport Act, 1938, relative to Transport by Water, should come into force, in respect of the "Great Lakes," as defined in Subsection (1) (f) of Section 2 of the said Act, and have effect upon, from and after the 15th day of January, 1939;

And whereas, by Subsection (1) (k) of Section 2 of the said Act, a "ship" is defined as including every description of vessel exceeding five hundred tons gross tonnage;

And whereas, by Subsection (2) of Section 12 of the said Act, it is provided that the Governor General in Council may, by regulation, exempt any ship or class of ships from the operation of Part II of the said Act;

And whereas the Minister of Transport reports that, under date the 30th of March, 1939, The Board of Transport Commissioners for Canada has recommended that the Governor General in Council exempt from the operation of Part II of the said Act, the ships of the Canada Steamship Lines Limited in respect of the transport of goods between Quebec and Montreal and intermediate ports; and

That the circumstances relating to the application made by the said Company to the Board, in the matter, may be summarized as follows:—

For many years the Company has maintained a regular steamship goods service between Quebec and Montreal and intermediate ports in ships of a type which necessarily exceed the 500 ton gross tonnage limit, the ships at present in such service being as follows:—

PASSENGER AND GOODS

S.S. *Quebec*
S.S. *St. Lawrence*

S.S. *Richelieu*
S.S. *Tadoussac*

GOODS ONLY

Beaverton
Calgarian
Canadian
Edmonton
Fernie
Kenora
Lethbridge
Saskatoon
Selkirk
Weyburn
Winnipeg
Saguenay
Acadian

Meaford
Donald Stewart
Dundas
Fairmount
Granby
Hastings
Kindersley
Knowlton
Magog
Mapleton
Sherbrooke
Simcoe
Starmount
Grainmotor

Winona
Elgin
Lanark
Lennox
Norfolk
Oxford
Waterloo
City of Hamilton
City of Kingston
City of Toronto
City of Montreal
City of Windsor
Barrie
Penetang

Since the advent of internal combustion engines, the Company's said steamship service has operated in direct competition with regular goods services maintained by the operators of motor schooners which average only about 100 tons gross and have an average carrying capacity of 200 tons. In addition to 14 of such schooners in regular service, there are over 50 doing so-called "tramp" business which are available to any shipper or receiver requiring a full load on charter basis.

If required to file tariffs under Part IV of The Transport Act, 1938, and maintain the said tariffs, the Company would be at a disadvantage, as its competitors, not operating ships of a size to require licensing under the said Act, would be free to underquote the Company's published rates to any extent necessary in order to capture a large share of the business.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to exempt and doth hereby exempt the ships of the Canada Steamship Lines Limited included in the list above set out from the operation of Part II of The Transport Act, 1938, for the season of navigation of 1939, only, in respect of the transport of goods between Quebec and Montreal and intermediate ports.

E. J. LEMAIRE,

Clerk of the Privy Council.

P.C. 976

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, THE 27TH DAY OF APRIL, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1 (a) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of international or interurban air transport services between points and places named by the Governor in Council;

And whereas the Minister of Transport reports that it is considered expedient that the provisions of Part III of The Transport Act, 1938, be now made applicable to transport by air by means of interurban air transport services between the following points and places, namely:—

INTERURBAN AIR TRANSPORT SERVICES

Moncton-Saint John-Halifax

such points or places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and pursuant to the provisions of subsection 1 (a) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of The Transport Act, 1938, be and it is hereby made applicable to transport by air between the above named points and places, by means of interurban air transport services.

E. J. LEMAIRE,

Clerk of the Privy Council.

P.C. 953

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, THE 26TH DAY OF APRIL, 1939

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection (1) (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas the Minister of Transport reports that, under date the 31st of March, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to the air services between the under-mentioned points and places, designated for identification purposes by the route numbers shown.

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to name and doth hereby name the said points and places under the provisions of Section 15 (1) (b) of The Transport Act, 1938, namely:—

Route Number	<i>Points and Places</i>
C. 11	Roberval, St. Felicien, Nikabau Lake, Whitefish Lake, Lac Cache, Lake Gwillim, Mistassini Post, Lake Bourdeau, Lac aux Dore, Lake Chibougamau, in the Province of Quebec;
C. 12	Senneterre, Kiask Falls, Florence River, Rose Lake, Cameron Lake, Lake Puskitamika, Lake Waswanipi, in the Province of Quebec;
C. 13	Senneterre, Lac Simon, Lac Victoria, Lac Barriere, Lac Denain, Lac Matchi-Manitou, Lac Vauquelin, in the Province of Quebec;
C. 14	Oskelaneo, Lake Obiduan, Lake Barry, Father Lake, Presqu'île Lake, Opemiska Lake, Lake Merrill, Lake Simon, Lake David, Lac Cache, Lake Chibougamau, Lac aux Dore, Lake Bourdeau, Lake Gwillim, Rush Lake, Wakonichi Lake, Mistassini Post, in the Province of Quebec;
C. 15	Sioux Lookout, and/or Hudson, Rat Rapids, Pickle Lake, in the Province of Ontario;
C. 16	Sioux Lookout and/or Hudson, Goldpines, Jackson Manion, Swain Post, Casummit Lake, Birch Lake, Uchi Lake, in the Province of Ontario;
C. 17	Sioux Lookout and/or Hudson, Goldpines, Flat Lake, Cole, Golden Arm, Mackenzie Island, Red Lake, in the Province of Ontario;
C. 18	Kenora, Minaki, Mackenzie Island, Golden Arm, Cole, Flat Lake, Red Lake, in the Province of Ontario;
C. 19	Kenora, Witch Bay, Whitefish Bay, Straw Lake, Rowan Lake, Populus Lake, in the Province of Ontario;
C. 20	Ilford, Oxford House, Knee Lake, Gods Lake, Cross Lake, Norway House, Island Lake, in the Province of Manitoba, Sachigo, in the Province of Ontario.

Route
Number*Points and Places*

- C. 21 Winnipeg and/or Lac du Bonnet, Beresford Lake, in the Province of Manitoba, Red Lake, Flat Lake, Cole, Golden Arm, Mackenzie Island, in the Province of Ontario;
- C. 22 Winnipeg and/or Lac du Bonnet, Diana, Beresford Lake, Wadhope, Wallace Lake, Bissett, in the Province of Manitoba;
- C. 23 Winnipeg and/or Lac du Bonnet, Berens River, Norway House, Gods Lake, in the Province of Manitoba, Sachigo, in the Province of Ontario, Island Lake, in the Province of Manitoba, Sandy Lake, Northwind Lake, South Trout Lake, in the Province of Ontario, Little Grand Rapids, in the Province of Manitoba;
- C. 24 Prince Albert, Big River, Dore Lake, La Plonge/Beauval, Ile a la Crosse, Pine River, Souris, Buffalo Narrows, Buffalo River, Clear Lake, La Loche, in the Province of Saskatchewan, McMurray, in the Province of Alberta, Cree Lake, Goldfields, Fond du Lac, Stony Rapids, Foster Lakes, Contact Lake, Stanley Mission, Sulphide Lake, Lac la Ronge, Montreal Lake, in the Province of Saskatchewan;
- C. 25 Edmonton, Lac la Biche, McMurray, Chipewyan, Fitzgerald, in the Province of Alberta, Fort Smith, Resolution, Hay River, Providence, Simpson, Liard, in the Northwest Territories, Nelson Forks, Fort Nelson, in the Province of British Columbia, Wrigley, Norman, Good Hope, Arctic Red River, McPherson, Aklavik, in the Northwest Territories;
- C. 26 Edmonton, Lac la Biche, S. Wabiskaw Lake, N. Wabiskaw Lake, Waterways, McMurray, Embarras Portage, Chipewyan, in the Province of Alberta, Goldfields, in the Province of Saskatchewan, Fitzgerald, in the Province of Alberta, Fort Smith, Resolution, Outpost Island, Yellowknife, Gordon Lake, Rae, Cameron Bay (Port Radium), Coppermine, in the Northwest Territories;
- C. 27 Fort St. James, Pinchi Lake, Manson Lake, Germansen Lake, Germansen Landing, Takla Landing, Ushika Lake, Aiken Lake, Bear Lake, Finlay Forks, Fort Graham, Fort St. John, McLeod Lake, Prince George, in the Province of British Columbia;
- C. 28 Vancouver, Port Alberni, Ucluelet, Tofino, McBride Bay (Port Tahsis), Nootka, Ceepeecee, Zeballos, in the Province of British Columbia;
- C. 29 Flin Flon, in the Province of Manitoba, Pelican Narrows, Island Falls, in the Province of Saskatchewan;
- C. 30 The Pas, Cormorant Lake, Reed Lake, Herb Lake, North Star Lake, Elbow Lake, Sherridon, Gurney Gold (Brune Lake), Cranberry Portage, Flin Flon, in the Province of Manitoba;
- C. 31 Flin Flon, in the Province of Manitoba, Island Falls, South End, Rabbit River, in the Province of Saskatchewan, Brochet, in the Province of Manitoba,

such points or places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

E. J. LEMAIRE,

Clerk of the Privy Council.

[P.C. 1047]

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 5th day of May, 1939.

PRESENT

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas, by Order in Council P.C. 2849 of November 17th, 1938, as amended by Orders in Council P.C. 312 of February 10th, 1939, and P.C. 645 of March 25th, 1939, Part III of The Transport Act, 1938, relating to Transport by Air, was, pursuant to the provisions of subsection 1 (a) of Section 15 of the said Act, made applicable to transport by air by means of international

or interurban air transport services on routes between the points and places named in said Order in Council, amended as aforesaid, including, under the heading "International Air Transport Services," the following points and places, namely,

Juneau—Whitehorse—Fairbanks,
Montreal—Burlington—Boston;

And whereas the Minister of Transport reports that The Board of Transport Commissioners for Canada has advised that it is in receipt of applications for licences under The Transport Act, 1938, to transport passengers and goods by air on the routes above mentioned, in which applications, in each case, are set out additional intermediate points of call, and the Board has submitted that it is unable to grant such applications unless the said additional points of call are named by the Governor General in Council;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend Order in Council P.C. 2849 of November 17th, 1938, amended as aforesaid, and it is hereby further amended by the deletion of the above mentioned points and places therein set out under the heading "International Air Transport Services," comprising, as indicated, two separate routes, and the substitution, in lieu thereof, of the following points and places, namely,

Juneau—Whitehorse—Burwash Landing—
Tanana Crossing—Fairbanks;
Montreal—Burlington—Montpelier—Barre—
Concord—Manchester—Boston.

E. J. LEMAIRE,
Clerk of the Privy Council.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 57203. April 1—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by the Canadian Pacific Railway under Section 9.
- 57204. April 1—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by the Canadian Pacific Railway under Section 9.
- 57205. March 31—Directing city of Fredericton, N.B., to construct a road diversion crossing Canadian Pacific and Canadian National Railways and close Dunn's and Morrison's crossings.
- 57206. April 3—Authorizing Vancouver, Victoria & Eastern Ry. Co. to render draw span fixed at drawbridge over Serpentine River near Crescent, B.C.
- 57207. April 1—Authorizing issuance of licence to Northwest Airline Inc. to transport passengers and/or goods between Winnipeg, Manitoba, and Fargo, N.D.
- 57208. April 3—Approving Bell Telephone Company's agreement entered into with the Clarenceville & Wolfe Ridge Telephone Company.
- 57209. April 3—Approving agreement between Bell Telephone Company and the Clarenceville and Nutts Corners Telephone Company, Ltd.
- 57210. April 3—Approving traffic agreement between Bell Telephone Company and Lake of Bays and Haliburton Telephone Company, Ltd.
- 57211. April 3—Approving contract between Bell Telephone Company and Clarenceville & St. Thomas Telephone Company.
- 57212. April 3—Approving agreement between Bell Telephone Company and Commissioners for Telephone System of municipality of Township of Erin.
- 57213. April 3—Declaring C.P.R. second public crossing west of Millbank, Ontario, protected to Board's satisfaction.
- 57214. April 3—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by Canadian National Railways under Section 3.
- 57215. April 3—Approving traffic agreement between Bell Telephone Company and Commissioners for Telephone System of the municipality of the Township of Tiny.
- 57216. April 4—Authorizing Northern Alberta Railways Co. to construct highway crossing at mileage 666.5 Edmonton Subdivision.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57217. April 3—Approving service station contract between Bell Telephone Co. and Clarenceville North Telephone Co.
- 57218. April 3—Authorizing C.N.R. to discontinue Glen Miller as a flag stop and remove shelter.
- 57219. March 31—Directing C.N.R. to install bell and wigwag at Paget Street crossing, village of Sundridge, Ont.
- 57220. March 31—Authorizing construction of pedestrian subway under C.N.R. tracks at Belzile Street, Rimouski, Que.
- 57221. March 31—Authorizing reconstruction of C.N.R. subway on highway No. 2 at Coteau du Lac, County Soulanges, P.Q., mileage 54.9, Alexandria Sub.
- 57222. April 5—Approving location tank car unloading rack, etc., Canadian Oil Companies, Ltd., at Sudbury, Ont. (C.P.R.).
- 57223. April 5—Approving by-law city of Galt prohibiting the sounding of engine whistles and bells of locomotives.
- 57224. April 5—Rescinding Orders 25396 of September 8, 1916, and 25514 of October 10, 1916, *re* highway crossing over C.N.R. mileage 81.14 Lewvan Sub.
- 57225. April 4—Authorizing the construction of C.P.R. bridge No. 2.9, Brockville Sub., over Story's Creek, Ont.
- 57226. April 4—Approving location of new station of C.N.R. at St. Pierre, Que., mileage 70.2, Grand Mere Sub.
- 57227. April 5—Declaring C.N.Rys. crossing, mileage 0.68 Lemoyne Sub., south of C.V.R. main line in Iberville, P.Q., protected to Board's satisfaction.
- 57228. April 6—Approving resolution of Tree Line Navigation Co. Ltd., authorizing certain officials to prepare and issue tolls in respect of its vessels.
- 57229. April 6—Relieving C.P.R. from maintaining cattle guards at mileages 24.58, 24.76 and 24.92, Elora Sub., Fergus, Ontario.
- 57230. April 6—Authorizing construction of highway crossing over C.N.R. tracks at Drake Street, Arvida, P.Q.
- 57231. April 8—Directing C.N.Rys. to install a wigwag signal in addition to bell at crossing of Highway No. 19 over C.N.R. crossing at Tillsonburg, Ont.
- 57232. April 8—Ordering the issuance to Canadian Airways, Ltd., of a licence to transport passengers and/or goods by aircraft between Victoria and Vancouver, B.C.
- 57233. April 11—Approving clearances under trolley wire of C.N. and C.P. interchange track on Dundas St., London, Ont.
- 57234. April 8—Authorizing C.N.Rys. to operate over subways at Main and D'Arcy Streets, Emerson, Manitoba.
- 57235. April 6—Approving Standard Passenger Tariff of Prairie Airways, Limited.
- 57236. April 11—Approving under Maritime Freight Rates Act tariffs filed by C.N.Rys. under Section 3.
- 57237. April 12—Approving traffic agreement between Bell Telephone Co. and the Coe Hill Rural Telephone System.
- 57238. April 8—Authorizing the Dept. of Highways for Ontario to construct highway crossing over C.N.R. west of switch for Jellicoe Yards, Beardmore-Geraldton Highway, Township Leduc, Thunder Bay district, Ontario.
- 57239. April 12—Ordering dispensing with use of warning signals of locomotives at certain points in close proximity to where Royal Train will tie up. General Train and Interlocking Rules.
- 57240. April 12—Approving Standard Mileage Tariff of Canada Steamship Lines, Limited.
- 57241. April 12—Approving resolution Canada Steamship Lines Ltd. authorizing certain officials to prepare and issue tariffs of tolls in respect of vessels.
- 57242. April 12—Approving Standard Mileage Freight Tariff No. 21 of Tree Line Navigation Co. Ltd.
- 57243. April 13—Declaring C.P.R. crossing (Burns Avenue), Calgary, Alta., protected to Board's satisfaction.
- 57244. April 12—Approving Supplement No. 2 to service station contract between Bell Telephone Co. and the Riverside Telephone Co. Ltd.
- 57245. April 12—Declaring C.N.R. crossing of Pie IX Boulevard between Desjardins and Jeanne d'Arc Streets protected to Board's satisfaction.
- 57246. April 14—Approving resolution adopted by Directors of Prairie Airways Limited authorizing the Managing Director of the company to prepare and issue passenger and goods tariffs of tolls in respect of aircraft.
- 57247. April 12—Authorizing member companies of The Express Traffic Ass'n of Canada to substitute new clause for clause 4 (e) of the form of Money Receipt prescribed by Order 12953 of February 10, 1911.
- 57248. April 14—Approving under Maritime Freight Rates Act tolls published in tariff filed by C.P.R. under Section 9.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57249. April 14—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
- 57250. April 14—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.P.R. under Section 9.
- 57251. April 14—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.P.R. under Section 9.
- 57252. April 15—Declaring Vancouver & Lulu Island Ry. crossing at 20th Avenue, Vancouver, protected to Board's satisfaction.
- 57253. April 15—Declaring crossing at Fraser Street, Vancouver & Lulu Island Ry., protected to Board's satisfaction.
- 57254. April 14—Authorizing C.N.R. to remove agent at Doucet, Que., and to maintain an operator in his place.
- 57255. April 14—Authorizing C.N.R. to construct connections between logging railway of Victoria Lumber & Mfg. Co. Ltd. at mileage 88·46, Cowichan Sub., near Hawes, B.C.
- 57256. April 15—Authorizing C.N.R. to operate under overhead bridge at St. Jerome, P.Q.
- 57257. April 15—Authorizing C.P.R. to construct highway crossing between sections 3 and 4, township 39, range 27, west 4th meridian, and approving revised plans therefor.
- 57258. April 18—Approving revised plans showing C.N.Rys. subway on Bridge Street, Montreal, Que.
- 57259. April 18—Approving plan submitted to C.N.R. by British American Oil Co. Ltd., showing location of overhead tank car, unloading car, etc., at Malton, Ont.
- 57260. April 17—Authorizing issuance of licence to Quebec Airways Limited to transport passengers and/or goods between Rimouski and Seven Islands, Que.
- 57261. April 17—Authorizing issuance of licence to Arrow Airways Limited to transport passengers by aircraft and/or goods between The Pas, Man., Sturgeon Landing and Cumberland House, Saskatchewan.
- 57262. April 17—Authorizing issuance of licence to Arrow Airways Limited to transport passengers by aircraft and/or goods between Flin Flon, Cranberry Portage, Gurney Gold, Elbow Lake, Sherridan, Pukatawagan, Man.
- 57263. April 18—Authorizing Dept. of Public Works of British Columbia to construct level highway crossing over C.P.R. at mileage 5·17, Arrow Lake Sub.
- 57264. April 17—Declaring Vancouver & Lulu Island Ry. crossing at 70th Avenue (or Marine Drive), Vancouver, B.C., protected to Board's satisfaction.
- 57265. April 18—Approving resolution adopted by Board of Directors of Northwest Steamships Ltd., permitting General Manager to prepare and issue tariffs of tolls to be charged in respect of its vessels.
- 57266. April 18—Authorizing C.N.R. to construct subway on Ottawa Street, Montreal, Que.
- 57267. April 18—Approving under Maritime Freight Rates Act tariffs and supplements filed under subsection 3 of Section 3.
- 57268. April 18—Approving Bell Telephone Co. service station contract entered into with Bognor Telephone Co. Limited.
- 57269. April 18—Approving Bell Telephone Co. service station contract with Balaclava Telephone Co. Limited.
- 57270. April 18—Approving Bell Telephone Co. service station contract entered into with South Diagonal Telephone Co. Limited.
- 57271. April 18—Limiting speed restriction over C.N.R. crossing at St. Dominique St. south of Jonquiere station, Quebec, to five miles per hour.
- 57272. April 18—Approving clearances of structures located on siding of The Barrett Co. Ltd., mileage 4·45 Park Avenue Subway, Montreal, Que.
- 57273. April 19—Authorizing C.P.R. to reconstruct Bridge No. 0·5, Copper Mountain Subdivision, over Similkameen River.
- 57274. April 18—Approving Bell Telephone Co. service station contract entered into with the Pleasant View Telephone Co. Limited.
- 57275. April 19—Granting leave to C.N.R. to remove station agent at St. Martins, N.B., and appoint a caretaker.
- 57276. April 18—Approving Bell Telephone Co. service station contract entered into with the Hoath Head & Gray Telephone Co.
- 57277. April 18—Authorizing C.N.R. to construct extension of passing track across road allowance between Sections 27 and 28, township 53, range 9, west 5th meridian, at Wildwood, Alta.
- 57278. April 18—Approving Bell Telephone Co. service station contract entered into with the Centre Road Telephone Company.
- 57279. April 18—Approving Bell Telephone Co. service station contract entered into with the Woodford Telephone Company, Limited.
- 57280. April 18—Approving resolution Paterson Steamships Ltd. authorizing certain officials to prepare and issue tariffs of tolls.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57281. April 18—Confirming speed limitation of five miles per hour at C.N.R. crossing south of Chicoutimi Station, Que.
- 57282. April 21—Declaring highway crossing of C.N.Rys. at mileage 134·7, Langham Sub., protected to Board's satisfaction.
- 57283. April 20—Declaring highway crossing of C.P.R., mileage 12·58, Galt Sub., protected to Board's satisfaction.
- 57284. April 20—Approving plan showing proposed level crossing in village of Haliburton, Ont. (C.N.Rys.).
- 57285. April 19—Approving resolution Norris Steamships, Ltd., authorizing certain officials to prepare and issue tariffs of tolls.
- 57286. April 21—Approving agreement between C.N. and C.P. and Gair Company Canada, Ltd., *re* agreed charge on boxboards from Montreal and other points to Edmonton, Alta.
- 57287. April 19—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.P.R. under Section 9.
- 57288. April 19—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by Dominion Atlantic Ry. under Sec. 9.
- 57289. April 19—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by Dominion Atlantic Ry. under Section 9.
- 57290. April 20—Approving service station contract between Bell Telephone Co. and The Kemble-Sarawak Telephone Co. Ltd.
- 57291. April 20—Approving service station contract of Bell Telephone Co. and The Glen Eden Telephone Co. Ltd.
- 57292. April 20—Approving service station agreement between Bell Telephone Co. and The Maple Leaf Telephone Co. Ltd.
- 57293. April 20—Approving service station agreement between Bell Telephone Co. and The Leith & Annan Telephone Co. Ltd.
- 57294. April 20—Approving service station agreement between the Bell Telephone Co. and The Fifth Line Telephone Co. Ltd.
- 57295. April 19—Approving service station contract between Bell Telephone Co. and The Derby Telephone Co. Ltd.
- 57296. April 20—Approving service station agreement between the Bell Telephone Co. and The Ben Allen Telephone Co. Ltd.
- 57297. April 20—Exempting C.P.R. from maintaining cattle guards at crossing of highway mileage 36·50, Drummondville Sub.
- 57298. April 19—Approving resolution Upper Lakes & St. Lawrence Transportation Co. Ltd., authorizing certain officials to prepare and issue tariffs of tolls.
- 57299. April 19—Approving resolution Blue Line Motorships Ltd., authorizing certain officials to prepare and issue tariffs of tolls.
- 57300. April 19—Authorizing removal of footbridge at Bond and Miles Streets, Sudbury, Ont. (C.N.Rys.).
- 57301. April 19—Approving resolution of Hall Corporation of Canada authorizing certain officials to prepare and issue tariffs of tolls.
- 57302. April 19—Approving resolution of Northland Steamships Co. authorizing certain officials to prepare and issue tariffs of tolls.
- 57303. April 19—Approving resolution of Foote Transit Co. Ltd. authorizing certain officials to prepare and issue tariffs of tolls.
- 57304. April 19—Authorizing City of Quebec to construct subway under C.P.R. at Ste Marguerite St.
- 57305. April 22—Approving resolution McKellar Steamships Ltd. authorizing certain officials to prepare and issue tariffs of tolls.
- 57306. April 22—Approving resolution British Yukon Navigation Co. Ltd. authorizing certain officials to prepare and issue freight and passenger tariffs.
- 57307. April 21—Approving resolution Sarnia Steamships Ltd. authorizing certain officials to prepare and issue tariffs of tolls.
- 57308. April 21—Approving resolution Colonial Steamships Ltd. authorizing certain officials to prepare and issue tariffs of tolls.
- 57309. April 21—Amending Order 57230 of April 6, 1939, *re* C.N.R. crossing at Drake Street, Arvida, P.Q.
- 57310. April 20—Authorizing C.P.R. to remove agent and appoint caretaker at Monkland, Ontario.
- 57311. April 21—Refusing application Village Wakaw, Sask., to be relieved from expenses of maintaining crossing over G.T.P.
- 57312. April 21—Approving plan showing location storage tank of McColl Frontenac Oil Co. Ltd. at Wadena, Sask. (C.N.R.).
- 57313. April 21—Approving service station contract between Bell Telephone Co. and Jackson Telephone Co. Ltd.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57314. April 21—Approving service station contract between Bell Telephone Co. and The Sydenham Union Telephone Co. Ltd.
- 57315. April 21—Approving service station contract between Bell Telephone Co. and The Silcote Telephone Co. Limited.
- 57316. April 22—Declaring Moffats crossing, Pembroke, Ont. protected to Board's satisfaction. (C.P.R.).
- 57317. April 25—Granting leave to C.N.Rys. to amend tariff on less than statutory notice.
- 57318. April 25—Granting leave to Express Traffic Ass'n to amend tariff on less than statutory notice.
- 57319. April 24—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.N.R. under Section 3.
- 57320. April 24—Approving under Maritime Freight Rates Act tariffs of tolls or supplements filed by C.N.R. under Section 3.
- 57321. April 24—Approving under Maritime Freight Rates Act tariffs of tolls or supplements filed by C.N.R. under Section 3.
- 57322. April 24—Approving under Maritime Freight Rates Act tariffs of tolls or supplements filed by C.P.R. under Section 9.
- 57323. April 24—Approving under Maritime Freight Rates Act tariffs of tolls or supplements filed by C.N.R. under Section 3.
- 57324. April 24—Granting leave to remove station agent and appoint caretaker at Scotch Village Station, N.S. (D.A.Ry.).
- 57325. April 22—Approving resolution of Inland Lines, Ltd. authorizing certain officials to prepare and issue tariffs of tolls.
- 57326. April 22—Approving resolution North America Transports Ltd. authorizing certain officials to prepare and issue tariffs of tolls.
- 57327. April 22—Approving appointment of a caretaker at Tupperville, N.S. (D.A.R.).
- 57328. April 24—Authorizing construction of siding for Gypsum Lime & Alabastine Ltd. in Lot 19, Con. 2, Tp. North Oxford, Ont. (C.N.R.).
- 57329. April 24—Authorizing removal of agent at South Maitland, N.S. and appoint caretaker. (D.A.Ry.).
- 57330. April 24—Approving under Maritime Freight Rates Act tariffs filed by C.N.R. under Section 3.
- 57331. April 22—Approving plans and removal of derails at St. Valier Street, Quebec (Quebec Ry., Light & Power Co.).
- 57332. April 26—Approving under Maritime Freight Rates Act tariffs filed by D.A.R. under Section 9.
- 57333. April 26—Approving under Maritime Freight Rates Act tariffs filed by D.A.Ry. under Section 9.
- 57334. April 26—Approving under Maritime Freight Rates Act tariffs or supplements filed by D.A.Ry. under Section 9.
- 57335. April 26—Authorizing removal of agent at Church Point Station, N.S. and appoint a caretaker. (C.P.R.).
- 57336. April 27—Authorizing reconstruction of subway on Montee St. Laurent Road, Montreal, Que. (C.N.Rys.).
- 57337. April 26—Authorizing C.P.R. to operate Bridge 2-9 Brockville Sub. over Story's Creek, Ont.
- 57338. April 27—Declaring Provincial Highway crossing No. 58, Welland Junction Yards, Ont. protected to Board's satisfaction. (C.N.Rys.).
- 57339. April 27—Approving under Maritime Freight Rates Act tariffs or supplements filed by Fredericton & Grand Lake Coal and Ry. Co. under Section 3.
- 57340. April 27—Declaring Provincial Highway crossing No. 3A, 20 (Lundy's Lane) protected to Board's satisfaction. (C.N.R.).
- 57341. April 28—Authorizing closing of 17th Correction Line *re* C.N.R. spur serving Hudson Bay Mining & Smelting Co. Ltd., near Flin Flon, Sask., under Order 57195 of March 31, 1939.
- 57342. April 27—Approving traffic agreement between Bell Telephone Co. and The Princeton & Drumbo Telephone Co. Ltd.
- 57343. April 27—Approving traffic agreement between Bell Telephone Co. and The Belmont Telephone Co-Operative Association, Limited.
- 57344. April 27—Approving traffic agreement between Bell Telephone Co. and The People's Telephone Co. of Forest, Ltd.
- 57345. April 27—Approving traffic agreement between the Bell Telephone Co. and The Harrietsville Telephone Association, Ltd.
- 57346. April 27—Approving Supplement No. 2 to exchange and toll line agreement between Bell Telephone Co. and The Houghton, Bayham and Tillsonburg Telephone Co. Ltd.
- 57347. April 27—Declaring second crossing west of International Bridge, Fort Frances, Ont. protected to Board's satisfaction. (C.N.R.).

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Concluded*

57348. April 26—Authorizing construction of overhead crossing on Lagauchetiere St. Montreal, Que. (C.N.R.).
57349. April 28—Granting leave to C.N.R. to remove agent at Griffing, Sask.
57350. April 29—Declaring Stavebank Road crossing west of Port Credit, Ont. protected to Board's satisfaction. (C.N.R.).
57351. April 28—Declaring first crossing east of Longueil Station, Que. protected to Board's satisfaction. (C.N.R.).
57352. April 28—Granting leave to Public Utilities Commission of Brantford to remove watchman at South Market Street. (T.H. & B.).
57353. April 28—Refusing application C.N.Rys. to remove agent at Dummer, Sask.
57354. April 28—Declaring highway crossing at mileage 47·7 Winnipeg Beach Sub. Man. protected to Board's satisfaction. (C.P.R.).
57355. May 1—Authorizing widening of C.N.R. crossing at Ottawa Street, Kitchener, Ontario.
57356. April 28—Approving traffic agreement between Bell Telephone Co. and The Byron Telephone Co. Ltd.
57357. April 28—Approving clearances of sidings serving Ford Motor Co. of Canada, Ltd. Windsor, Ont. (C.N.R.).
57358. April 28—Authorizing construction of branch line to serve Local Construction, Ltd. Maskinonge, Que. (C.P.R.).

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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ORDER No. 57370

In the matter of the application of the Canadian Pacific Railway Company, under Section 348 of the Railway Act, for approval of the French translation of the form of contract restricting the Company's liability in connection with the transmission of telegraph messages, which form is to be used by the Company within the limits of the Province of Quebec.

File No. 13622

TUESDAY, the 2nd day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

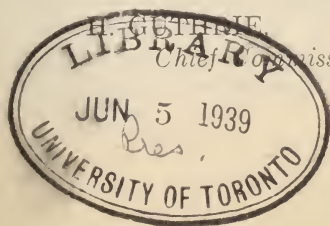
F. N. GARCEAU, *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Board has approved the said contract form in English by its Orders numbered General Order 162, dated 30th March, 1916, and 49274, dated 5th December, 1932;

And whereas the French translation of such form of contract submitted by the Canadian Pacific Railway Company conforms with the conditions approved by the said Orders of the Board—

It is ordered: That the French translation of the form of contract restricting the Canadian Pacific Railway Company's liability in connection with the transmission of telegraph messages, which form is to be used by the Company within the limits of the Province of Quebec, on file with the Board under file No. 13622, be, and it is hereby, approved.



ORDER No. 57383

In the matter of the application of the Calvin Shipping Company, Limited, under Section 18 of The Transport Act, 1938, for approval of a resolution adopted by the Board of Directors on March 9, 1939, authorizing the President of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.16

FRIDAY, the 5th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the Calvin Shipping Company, Limited, adopted March 9, 1939, authorizing the President of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.16, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57389

In the matter of the application of M & C Aviation Company, Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Prince Albert, Souris River, Stanley, and intermediate points, all in the Province of Saskatchewan.

File No. 42007.9.1

FRIDAY, the 5th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places in the Province of Saskatchewan, to wit:—

Prince Albert, Montreal Lake, Lac la Ronge, Souris River, Sulphide Lake, Dog Lake, Hepden Lake, Stanley;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

WEEKLY between Prince Albert, Montreal Lake, Lac la Ronge, Stanley, with calls at Dog Lake, Sulphide Lake, Hepden Lake, whenever required.

Every second and fourth week to Souris River by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 15 be issued for the period of one year from May 1, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57390

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act. File No. 34822.13

Friday, the 5th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in Tariff C.T.C. No. 1100, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1100, approved herein, are as follows:—

Item	Cents per 100 pounds
1 To Kingston, Ont.	40
Montreal, Que.	34
Toronto, Ont.	38
2 To Montreal, Que.	35½
Toronto, Ont.	40
3 From Halifax, N.S.	43
Yarmouth, N.S.	43½
4 To Guelph, Ont.	45½
Simcoe, Ont.	45
Toronto, Ont.	40

5 Halifax, N.S., rates as covered by previous order or orders.

Item 6	From	Cents per 100 pounds				
		Montreal, Que.	Quebec, Que.	To Ottawa, Ont.	Hamilton, Ont.	Toronto, Ont.
	Wolfville, N.S.					
	Port Williams, N.S.					
	Lakeville, N.S.	46½	47	45½	49	49½
	Waterville, N.S.					
	Berwick, N.S.					
	Aylesford, N.S.					
	Kingston, N.S.	46	47	45	49	49
	Middleton, N.S.	47½	48½	47	51	51½
	Lawrencetown, N.S.	46	47	45	49	49
	Bridgetown, N.S.	47½	48½	47	51	51½
	Meteghan, N.S.	44	43½	44	48½	49
Item	7 To Montreal, Que.					52
	Quebec, Que.					50

One and one-half cents per 100 pounds to be deducted on account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57391

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13.

Friday, the 5th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 476 and 536 of Supplement No. 43 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 476 and 536 of Supplement No. 43 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item	Cents per 100 pounds
476	4th class rates covered by previous order or orders.
536	L.C.L. 4th class rates covered by previous order or orders.
	C.L. 7th class rates covered by previous order or orders.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57395

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Vancouver and Zeballos and intermediate points, all in the Province of British Columbia.

File No. 42007.4.19.

SATURDAY, the 6th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places in the Province of British Columbia, to wit:—

Vancouver, Port Alberni, Ucluelet, Tofino, McBride Bay (Port Tahsis), Nootka, Ceepeecee, and Zeballos;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

WEEKLY—Vancouver to Zeballos;

MONTHLY—Calls at Port Alberni, Ucluelet, Tofino, McBride Bay (Port Tahsis), Nootka, and Ceepeecee;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 16 be issued for the period of one year from March 31, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, as amended by General Order No. 584, dated March 23, 1939.

H. GUTHRIE,
Chief Commissioner.

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport passengers

and/or goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Kingston.. . . .	111654	2925
Rapids Prince	130418	1314
Cayuga	122219	2196
Quebec	153450	7016
Richelieu	150828	5528
St. Lawrence	153438	6328
Noronie	134014	6905
Tadoussac	153447	7013
Hamonic	122553	5265

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 2 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, as amended by General Order No. 586, dated March 27, 1939, and any other amendment or amendments.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57414

In the matter of the application of North American Transports Limited, herein-after called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the pro-claimed area.

File No. 42076.12.

SATURDAY, the 6th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Redwood	155289	1777
Redfern	154910	1769
Redcloud	155292	1740
Redriver	155293	1777

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 5 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, as amended by General Order No. 586, dated March 27, 1939.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57415

In the matter of the application of Inland Lines Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.13.

SATURDAY, the 6th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Damia	161522	1926
Saracen	161523	1926

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

The Board orders:

1. That Licence No. C.T.C. (W.T.) 6 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, as amended by General Order No. 586, dated March 27, 1939.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57416

In the matter of the application of McKellar Steamships, Limited, hereinafter called the "Applicant", under Section 10, of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes, the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.15

SATURDAY, the 6th day of May, A.D., 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2(1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15th, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Livingston	149470	2115
Waterton	149472	2114

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act:—

Therefore it is ordered:

1. That Licence No. C.T.C. (W.T.) 7 be issued for a period of one year from January 15th, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, as amended by General Order No. 586, dated March 27, 1939.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57417

In the matter of the application of the Calvin Shipping Company Limited, hereinafter called the "Applicant", under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between the ports of Montreal, Quebec; Toronto, Ontario; and Hamilton, Ontario, within the proclaimed area.

File No. 42076.17

SATURDAY, the 6th day of May, A.D., 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2(1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15th, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the lessee of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Rahane	148089	2222
Easton	132069	1757

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act:—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 8 be issued for a period of one year from January 15th, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, as amended by General Order No. 586, dated March 27, 1939.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57418

In the matter of the application of the Hall Corporation of Canada, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.19

SATURDAY, the 6th day of May, A.D., 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by

water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2(1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15th, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Coniscliffe Hall	160706	1900
Eaglescliffe Hall	160707	1900
George L. Eaton	160717	1895
Meadcliffe Hall	160716	1895
Mont Louis	147791	1905
John H. Price	147788	1905
Rockcliffe Hall	160709	1900
Walter B. Reynolds	147790	1905
Westcliffe Hall	160708	1900

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act:—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 9 be issued for a period of one year from January 15th, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, as amended by General Order No. 586, dated March 27, 1939.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57422

In the matter of the application of the Canada Steamship Lines Limited and Northern Navigation Company (a wholly owned subsidiary operated as "Northern Navigation Division"), hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.4.2

SATURDAY, the 6th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes,

as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Beaverton.. . . .	125440	2,012
Calgarian.. . . .	112205	2,272
Canadian.. . . .	125427	2,214
Edmonton.. . . .	122856	1,983
Fernie.. . . .	154461	2,419
Kenora.. . . .	124235	1,979
Lethbridge.. . . .	147702	2,407
Saskatoon.. . . .	153436	2,412
Selkirk.. . . .	152859	2,384
Weyburn.. . . .	153437	2,408
Winnipeg.. . . .	152854	2,383
Renvoyle.. . . .	148133	3,571
Saguenay.. . . .	130526	2,777
Acadian.. . . .	133533	1,686
Donald Stewart.. . . .	147765	1,781
Dundas.. . . .	145519	1,901
Fairmount.. . . .	68808	1,851
Granby.. . . .	150820	2,051
Hastings.. . . .	145533	1,906
Kindersley.. . . .	129491	1,999
Knowlton.. . . .	150709	2,068
Magog.. . . .	150827	2,053
Mapleton.. . . .	123961	1,782
Sherbrooke.. . . .	150823	2,052
Simcoe.. . . .	145511	1,783
Starmount.. . . .	145609	1,859
Winona.. . . .	122851	2,085
Elgin.. . . .	145518	1,906
Lanark.. . . .	145522	1,904
Lennox.. . . .	145525	1,904
Norfolk.. . . .	145516	1,901
Oxford.. . . .	145515	1,893
Waterloo.. . . .	145521	1,905
City of Hamilton.. . . .	153423	1,665
City of Kingston.. . . .	152837	1,690
City of Toronto.. . . .	152838	1,688
City of Montreal.. . . .	153422	1,665
City of Windsor.. . . .	154463	1,905
Huronie.. . . .	107168	3,330
Westmount.. . . .	138232	7,392
Barrie.. . . .	151045	1,824
Grainmotor.. . . .	154473	1,829
Meaford.. . . .	151043	1,824
Penetang.. . . .	151046	1,824

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 3 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24, 1939, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57423

In the matter of the application of The Tree Line Navigation Company Limited, hereinafter called the "Applicant," under Section 10 of the Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.9

SATURDAY, the 6th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Teakbay..	154462	1,895
Sprucebay..	150845	1,238
Elmbay..	150841	1,217
Beechbay..	150843	1,219

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 4 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24, 1939, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57407

In the matter of the application of the Canada Steamship Lines, Limited, under Section 21 of The Transport Act, 1938, for the approval of Standard Passenger Tariff C.T.C. No. 11, on file with the Board.

File No. 42082.1

MONDAY, the 8th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 11 of the Canada Steamship Lines, Limited, on file with the Board under file No. 42082.1, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57408

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.8

MONDAY, the 8th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in tariff C.T.C. No. 71 filed by the Sydney & Louisburg Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said tariff C.T.C. No. 71 approved herein, are as follows:—

Miles	Cents per 100 pounds
10	4
20	4
30	4
40	5

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57409

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

MONDAY, the 8th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in tariff C.T.C. No. 1095 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement

under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1095 approved herein, are as follows:—

From	Cents per 100 pounds					
	Via			Via		
	Halifax, N.S.			Saint John, N.B., and West Saint John, N.B.		
	A	B	C	A	B	C
Bridgetown, N.S. Tariff	20	20	18	7.6	7.6	7.7
“ “ “ “ “ Normal	24½	24½	21½	9.5	9.5	9.6
Lawrencetown, N.S. . . . Tariff	..	20	18	..	7.9	6.6
“ “ “ “ “ Normal	..	24½	22½	..	8.7	7.9
Middletown, N.S. Tariff	20	20	18	8.2	8.2	7.5
“ “ “ “ “ Normal	24½	24½	22½	10.3	10.3	9.4
Kingston, N.S. Tariff	20	20	18	7.7	7.7	6.6
“ “ “ “ “ Normal	25	24	22	8.8	8.8	7.9
Aylesford, N.S. Tariff	20	20	18	7.7	7.7	6.6
“ “ “ “ “ Normal	25	24	22	8.8	8.8	7.9
Berwick, N.S. Tariff	..	20	17	..	7.6	6.5
“ “ “ “ “ Normal	..	24	21½	..	9.5	8.1
Waterville, N.S. Tariff	20	20	17	10.2	10.2	8.6
“ “ “ “ “ Normal	25	24	21½	12.7	12.7	10.7
Lakeville, N.S. Tariff	..	20	18	..	10.3	9.5
“ “ “ “ “ Normal	..	24	22	..	12.5	11.8
Port Williams, N.S. . . . Tariff	..	16	15	..	7.8	7.1
“ “ “ “ “ Normal	..	19	18	..	9.5	8.9
Wolfeville, N.S. Tariff	..	16	15	..	7.8	7.1
“ “ “ “ “ Normal	..	19	18	..	9.5	8.9

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57410

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

MONDAY, the 8th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in tariff C.T.C. No. 1101 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said tariff C.T.C. No. 1101 approved herein, are as follows:—

	Cents per 100 pounds	
	Billed	Normal
Via Truro, N.S.	6.25	7.8
“ Windsor Junction, N.S.	5.5	6.9

The normal toll to Truro, N.S., is 10 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57404

In the matter of the application of The British Yukon Navigation Company, Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Airplane Passenger Tariff C.T.C. No. 2 and Standard Airplane Freight Tariff C.T.C. No. 3, on file with the Board.

File No. 42017.5

TUESDAY, the 9th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Airplane Passenger Tariff C.T.C. No. 2 and Standard Airplane Freight Tariff C.T.C. No. 3 of The British Yukon Navigation Company, Limited, on file with the Board under file No. 42017.5, be, and they are hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57411

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 9th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1099, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1099, approved herein, are as follows:—

To	Cents per 100 pounds
Burt's Corner, N.B.	24
Clanfield, N.B.	23½
Fredericton, N.B.	20½
Grand Falls, N.B.	22½
Hartland, N.B.	26
Harvey, N.B.	25
Nashwaaksis, N.B.	23½
Prince William, N.B.	26
Woodstock, N.B.	22½
Zealand, N.B.	24½

One and one-half cents per 100 pounds to be deducted on account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57421

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act. File No. 34822.2

TUESDAY, the 9th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 655 from Matane and Priceville, Quebec, and item 710A in Supplement No. 2 to Tariff C.T.C. No. E. 2925, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Canada & Gulf Terminal Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Canada & Gulf Terminal Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 655 from Matane and Priceville, Quebec, and item 710A in Supplement No. 2 to Tariff C.T.C. No. E. 2925, approved herein, are as follows:—

Item	From	Cents per 100 pounds	
		Tariff	Normal
655	Matane, Que.	4.5	5.5
	Priceville, Que.	2.5	3.0
710A	From		
	Matane, Que.	4.0	5.0
	Priceville, Que.	2.5	3.0
	Riviere Blanche, Que.	4.0	5.0

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57427

In the matter of the application of Boston-Maine Airways Incorporated, herein-after called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Montreal, Province of Quebec, and Boston, Massachusetts, and intermediate points, in the United States of America.

File No. 42007.3

WEDNESDAY, the 10th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company, pursuant to the laws of the State of Massachusetts in the United States of America, and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Montreal, Province of Quebec; Burlington,
Montpelier, Barre, Vermont; Concord,
Manchester, New Hampshire; Boston,
Massachusetts;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1047, dated May 5th, 1939, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a daily service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 17 be issued for the period of one year from May 5, 1939;

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57428

In the matter of the application of Pacific Alaska Airways Incorporated, hereinafter called the "Applicant", under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Juneau and Fairbanks, Alaska, via Whitehorse, Yukon Territory, and intermediate points.

File No. 42007.20

WEDNESDAY, the 10th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company, pursuant to the laws of the United States of America, and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Juneau, Alaska; Whitehorse, Burwash Landing, Yukon Territory
Tanana Crossing, Fairbanks, Alaska;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1047, dated May 5th, 1939, pursuant to Section 15 (1), (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

November 1st to April 30th, weekly service between Juneau, Alaska, Whitehorse, Yukon, and Fairbanks, Alaska, with flag stops at Burwash Landing, Yukon, and Tanana Crossing, Alaska;

May 1st to October 31st, bi-weekly service between Juneau, Alaska, Whitehorse, Yukon, and Fairbanks, Alaska, with flag stops at Burwash Landing, Yukon, and Tanana Crossing, Alaska;

by aircraft approved and operating over a route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 18 be issued for the period of one year from May 5th, 1939.

2. That the Applicant be, and it is hereby required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16th, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57430

In the matter of the application of Pacific Alaska Airways, Inc., under Section 18 of The Transport Act, 1938, for approval of resolutions adopted by the Board of Directors on April 27, 1939, authorizing the Express Traffic Manager and the Passenger Traffic Manager of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.10

WEDNESDAY, the 10th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolutions of Pacific Alaska Airways, Inc., adopted April 27, 1939, authorizing the Express Traffic Manager and the Passenger Traffic Manager of the Company to prepare and issue freight and passenger tariffs, respectively, of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.10, be, and they are hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57431

In the matter of the application of Sarnia Steamships, Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.14

FRIDAY, the 12th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Jos. P. Burke.. . . .	149499	1,926
Chemong.. . . .	148073	1,902
Drumahoe.. . . .	148079	1,902
Fairlake.. . . .	161520	1,940
Fairriver.. . . .	161524	1,940
Ralph Gilchrist.. . . .	149493	1,927
C. H. Houson.. . . .	149494	1,927
Lockwell.. . . .	161519	1,928
Scott Misener.. . . .	149475	1,939
John O. McKellar.. . . .	149495	1,927
Portwell.. . . .	161517	1,928
Rahane.. . . .	148089	2,222
Starwell.. . . .	161518	1,938
Anna C. Minch.. . . .	153113	4,139

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 10 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57438

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

SATURDAY, the 13th day of May, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Item 3118 of Supplement No. 5 to Tariff C.T.C. No. E. 4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 3118 of Supplement No. 5 to Tariff C.T.C. No. E. 4878, approved herein, is 8 cents per 100 pounds.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 57466

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

SATURDAY, the 13th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act, namely:—

Supplement No. 13 to Tariff C.T.C. No. E-1976.

Supplement No. 17 to Tariff C.T.C. No. E-2311.

Supplement No. 29 to Tariff C.T.C. No. E-2526.

Supplement No. 3 to Tariff C.T.C. No. E-2925.

Tariff C.T.C. No. E-2972.

Tariff C.T.C. No. E-2973.

Tariff C.T.C. No. E-2976.

Tariff C.T.C. No. E-2977.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57433

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant Company," for permission to cancel on less than statutory notice a rate of 26 cents per 100 pounds on glue stock from Sault Ste. Marie, Ontario, to Brantford, Ontario.

File No. 27612.200

MONDAY, the 15th day of May, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Whereas the Applicant Company has applied for permission to cancel, on less than statutory notice, a rate of 26 cents per 100 pounds on glue stock, carloads, published in Item No. 1379 of its Tariff C.T.C. No. E. 4595, and applicable from Sault Ste. Marie, Ontario (ex Sault Ste. Marie, Michigan), to Brantford, Ontario;

And whereas, after consideration of the application, it would appear that a continuance of the aforesaid rate would conflict with the through rate on the same commodity from Sault Ste. Marie, Michigan, to Brantford, Ontario, as published in Item 630 of Duluth, South Shore and Atlantic Railway Tariff C.T.C. No. 600, and would conflict with the rate of 26½ cents per 100 pounds from Sault Ste. Marie, Ontario, to Brantford, Ontario, published by the Algoma Central and Hudson Bay Railway to become effective June 7, 1939, in its Tariff C.T.C. No. 914—

The Board therefore orders: That the Applicant Company be, and it is hereby, authorized to cancel Item 1379 of its Tariff C.T.C. No. E. 4595, effective June 7, 1939.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57442

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 15th day of May, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the toll published in Item 94-D of Supplement No. 53 to Tariff C.T.C. No. E. 1247, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Temiscouata Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 94-D of Supplement No. 53 to Tariff C.T.C. No. E. 1247, approved herein, is—

Billed	Normal
4½	5½

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57443

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 15th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered that the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 20 to Tariff C.T.C. No. E.2629
 Supplement No. 5 to Tariff C.T.C. No. E.2804
 Supplement No. 4 to Tariff C.T.C. No. E.2925
 Supplement No. 5 to Tariff C.T.C. No. E.2925

HUGH WARDROPE

Assistant Chief Commissioner.

ORDER No. 57440

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 16th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in tariff C.T.C. No. 1103 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said tariff C.T.C. No. 1103, approved herein, are as follows:—

To	Cents per 100 pounds		
	From		
	Windsor, N.S.	Halifax, N.S.	Port Williams, N.S.
Digby, N.S.	11	12	10½
Plympton, N.S.	11	13	10½
Weymouth, N.S.	11	13	10
Church Point, N.S.	11	13½	10
Little Brook, N.S.	11	13½	10
Meteghan, N.S.	11	13½	10
Yarmouth.	9½	15½	10

HUGH WARDROPE

Assistant Chief Commissioner.

ORDER No 57441

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritimes Freight Rates Act.

File No. 34822.13

TUESDAY, the 16th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in supplement No. 3 to tariff C.T.C. No. 1076 from Windsor, N.S., filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act; the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said supplement No. 3 to tariff C.T.C. 1076 from Windsor, N.S., approved herein, are as follows:—

Cents per 100 pounds	
Tariff	Normal
5 $\frac{3}{4}$	7

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57448

In the matter of the application of the St. Lawrence Steamships, Limited, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors on May 10, 1939, authorizing the Treasurer of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.17

TUESDAY, the 16th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said resolution of the St. Lawrence Steamships, Limited, adopted May 10, 1939, authorizing the Treasurer of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.17, be, and it is hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57454

In the matter of the application of the St. Lawrence Steamships, Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Mileage Freight Tariff C.T.C. No. 1, on file with the Board under file No. 42082.19.

TUESDAY, the 16th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said Standard Mileage Freight Tariff of the St. Lawrence Steamships, Limited, C.T.C. No. 1, on file with the Board under file No. 42082.19, be, and it is hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57455

In the matter of the application of the Foote Transit Company, Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes, and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.7

WEDNESDAY, the 17th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ship for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
F. V. Massey	160720	1,895

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act,—

Therefore the Board orders:

1. That licence No. C.T.C. (W.T.) 11 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57456

In the matter of the application of St. Lawrence Steamships, Limited, herein-after called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes, St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.8

WEDNESDAY, the 17th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2(1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Algonquin	161515	1,940
Sioux	161516	1,940
Delaware	149497	1,940
Cheyenne	149498	1,938

And whereas the applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act;

Therefore the Board orders:

1. That licence number C.T.C. (W.T.) 13 be issued for a period of one year from January 15, 1939.

2. That the applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

P.C. 1102
PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 11th day of May, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1 (a) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of international or interurban air transport services between points and places named by the Governor in Council;

And whereas the Minister of Transport reports that it is considered expedient that the provisions of Part III of The Transport Act, 1938, be now made applicable to transport by air by means of interurban air transport services between the following points and places, namely:—

Montreal—Three Rivers—Quebec—Rimouski;
Moncton—New Glasgow—Sydney;

such points or places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

Now, therefore, His Excellency the Governor General in Council on the recommendation of the Minister of Transport and pursuant to the provisions of subsection 1 (a) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of The Transport Act, 1938, be and it is hereby made applicable to transport by air between the above-named points and places, by means of interurban air transport services.

E. J. LEMAIRE,
Clerk of the Privy Council.

CIRCULAR LETTER TO ALL AIR CARRIERS

FILE No. 42017

Under the provisions of General Order No. 580, dated December 16, 1938, Rule No. 1, provides that a separate serial of C.T.C. numbers shall be used for freight and passenger tariffs.

It would appear unnecessary to demand a separate series of tariffs for passengers and goods in view of the general practice of conveying both classes of traffic in the same aircraft, therefore carriers wishing to file separate tariff series for each class of the traffic may continue to do so, but tariffs for both classes may be filed under one series, commencing with number one and proceeding consecutively therefrom. If it is desired, tariffs may contain both

passenger and goods rates in one tariff, but in such cases it must be understood the subject matter contained therein must be clearly set out to avoid any confusion and misunderstanding.

The foregoing applies to all tariffs except the standard tariffs of maximum tolls, and in these cases each must be a separate standard tariff for goods and for passengers.

P. F. BAILLARGEON,
Secretary.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, APRIL, 1939

Railway accidents.. . . . 95 with 12 Killed and 89 Injured
Railway accidents at highway crossings.. . . 12 with 5 Killed and 19 Injured

	Killed	Injured
Passengers.. . . .	—	13
Employees.. . . .	3	68
Others.. . . .	14	27
Total.. . . .	17	108

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

NOVA SCOTIA

Accidents	K.	I.	
1	—	1	Automobile—Auto driver failed to heed bell and wigwag signal; drove on to crossing in front of approaching train and was struck. Licence, not obtained.

NEW BRUNSWICK

1	1	—	Pedestrian—Pedestrian walked on to crossing in front of approaching train and was struck.
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QUEBEC

1	—	1	Automobile—Automobile ran into side of train. Licence, Que. 170-619.
1	1	—	Pedestrian—Pedestrian walked on to crossing in front of approaching train and was struck.

ONTARIO

1	—	2	Automobile—Automobile ran into side of train. Licence, Ont. 844-L-7.
1	—	3	Automobile—Automobile ran into side of train. Licence, Ont. 73-B-41.
1	—	7	Automobile—Automobile struck by track motor car. Licence, Ont. 651-A-4.
1	2	—	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 254-Z-7.
1	1	—	Auto Truck—Auto truck stalled on crossing in front of approaching train and was struck. Licence, Ont. 26883-C.
1	—	2	Automobile—Automobile struck by electric car. Licence, Ont. 311-R-3.
1	—	2	Automobile—Auto driver disregarded bell and wigwag signal; drove on to crossing in front of approaching train and was struck. Licence, Ont. 474-K-9.

MANITOBA

1	—	1	Automobile—Automobile, with defective brakes, unable to stop before fouling track, struck by train. Licence, Man. 27983.
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Of the 12 accidents at highway crossings, 6 occurred at unprotected crossings and 6 at protected crossings.

Seven of the accidents occurred after sunrise, and 5 occurred after sunset.

May 22nd, 1939.



The Board of

Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 6

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Application of farmers and millers in Ontario for an Order of the Board directing the Canadian Pacific and Canadian National Railways to establish the same rates on grain and the products thereof, produced and milled in Ontario and shipped to St. Lawrence and Atlantic ports for export, as are currently published on ex-lake grain and grain products for export via the same ports.

File No. 30686.26

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was heard in Toronto on February 21st, 22nd and 23rd, and in Ottawa on March 29th, in the presence of counsel and representatives of the applicants and of the railway companies. Counsel for applicants stated the application had the support of the Ontario Government. A telegram was addressed to the Board by the Clerk of the Legislative Assembly of Ontario, dated March 29th, quoting a resolution adopted by it in support of the application, and which was received following the hearing in Ottawa on March 29th.

Applicants make comparison between the rates on Ontario-grown grain and grain products, shipped from Ontario points to St. Lawrence and Atlantic ports for export, and the rates on ex-lake grain originating in Western Canada and in the United States and transported by water to bay and river ports in Ontario, also products therefrom milled in Ontario and shipped to the same ports for export. A further comparison was between the rates on Ontario-grown corn for shipment to Montreal and the rates on Argentine and South African corn from Montreal, etc., to Sarnia and Windsor. All rates named herein are for carload movements and in cents per 100 pounds, unless otherwise indicated. Examples of the compared rates, as then in force, are as shown in Appendix "A."

It is alleged that these rate differences constitute an undue preference to other farmers and millers, and are an unjust discrimination against Ontario farmers and Ontario millers. To support this contention, proof is required that the ex-lake rates accorded on grain and grain products originating in western Canada or the United States from the bay ports to the seaboard for export actually have a detrimental effect upon Ontario farmers and millers.

In the evidence given by Mr. R. J. Scott, President United Farmers Co-operative Company, it is stated that the Ontario farmers produce winter wheat. It fits in well with farm operation in Ontario, because it involves labour at a season of the year separate from other crops, and is a necessary part of the crop cycle, which is such a great factor in maintaining soil fertility. The advent of the combine harvester, the ability of trucks to deliver from the field to the railway siding, and the increasingly urgent need of cash from the wheat crop have developed field threshing instead of barn threshing and the marketing of a large portion of the wheat in the harvesting period. This has resulted in deliveries far in excess of local milling requirements, and has had a depressing effect upon wheat prices, as millers and exporters only offer low prices at the opening of the crop movement. The export movement has decreased owing to diminishing markets in Great Britain and the British West Indies, as a result of increasing importations there from other countries. The result in recent years has been a large carry-over from the Ontario wheat crop and an unprofitable use of a portion of it for feeding live stock. He further stated that Ontario wheat flour is a soft flour for pastry, consequently has different characteristics from the western hard wheat, so that the Ontario and western Canadian wheat serve different markets and do not compete except possibly to a very slight extent at times with respect to western wheat graded as No. 4, 5 and lower.

Mr. George McArthur, Secretary of the Ontario Flour Millers Association, stated that, in past years, large quantities of Ontario wheat were milled for export to the United Kingdom and the British West Indies. In recent years, these exports have diminished to an alarming extent and imports from Australia and England increased. It was stated that Trinidad furnished a good illustration of Australian and English flour trade increases in the West Indies, and the following figures given:

	1927	1937
Total Trinidad imports..	285,788 bbls.	341,255 bbls.
Canadian per cent of total..	99.4	58.8
United Kingdom..	Nil	17.0
Australia..	Nil	24.1

He claimed this loss to Australian and English mills is practically all at the expense of Ontario wheat flour. The Australian competition was intensified through depreciated currency and low transportation cost for the Australian product both on land and ocean.

It is shown that, in 1927, the Canadian percentage of total of Trinidad imports of flour was 99.4 per cent, while, in 1937, it had dropped to 58.8 per cent. In 1927, the export rate from Chatham to Montreal was 23½c., and, in 1937, it was 18½c. The freight rate was 22 per cent lower in 1937 than in 1927, notwithstanding which the percentage of Canadian imports in Trinidad decreased 41 per cent. It seems clear that factors quite foreign to the export freight rate influence marketing of Ontario flour in the British West Indies.

Mr. C. E. Soward, General Sales Manager of the Maple Leaf Milling Company, stated his company was keenly interested in this matter for the reason that they are the largest exporters of flour in Canada, as well as the largest users of Ontario winter wheat both for domestic and export use. Extracts from the submission filed by Mr. Soward are given below:

"Prior to the war and of course, during the war, as well as the post war period up until 1929, there was a substantial export business in Ontario Winter wheat flour. It is impossible to give you statistics as to the quantity exported because separation is not made in the government figures as between Western Spring wheat flour and Ontario Winter wheat flour. Even in our own company such figures are not separated, but as I have been in the Export Department of our company since the war period I know quite definitely that the greater part of the capacity of our West Toronto mill prior to 1929, was employed in grinding Winter wheat

and it was quite a common practice to make sales continuously throughout the year of Winter wheat flour to the United Kingdom as well as to British West Indies, Newfoundland and some other lesser markets. Now, since 1929, the business in Ontario Winter wheat flour has dwindled away to practically nothing. I am not going to maintain that high freight rates is the cause, or even the chief cause, of the loss of this important business. There are many reasons, among which might be mentioned:—

1. The British Government plan of paying farmers a fixed price for wheat grown chiefly in England (which is a Winter wheat variety quite similar to Ontario Winter wheat) and the sale of this wheat at the "world price." This is the chief cause of the loss of the United Kingdom market.
2. The inroads of Australian competition, chiefly due to the 25 per cent exchange advantage which they still enjoy.
3. Subsidized European wheat which English mills have used successfully in capturing a large share of the Newfoundland and British West Indies market for Winter wheat flour.
4. The handicap Canadian millers have been under in respect to inland and ocean freight rates, in comparison to the rates enjoyed by other countries.

Although I have placed the matter of freight rates in fourth position in describing the reasons for the loss of business in Winter wheat flour, I do so as a matter of history. During the period from 1929 to date, there have been times when no reduction of freight rates would have enabled Ontario mills to compete in most of the export markets. However, this situation changes from year to year. For instance, European subsidized wheat is not the same factor it was a few years ago because apparently the European countries are more interested in safeguarding their supplies of food in this critical period than in exporting it. I would say that Australia is our chief competitor to-day for the trade in Winter wheat flour—particularly in the British West Indies, which is the market we are chiefly concerned about.

To give some idea of the volume of business in the British West Indies which has been lost to Canada in the past ten years, I quote below extract of statement made by the Honorary President of the Canadian National Millers Association, Mr. Short, at the recent Bracken Conference:—

'The total shipments by the United Kingdom, Australia and France to the West Indies in 1929 amounted to 61,646 barrels. In 1937 their shipments totalled 408,560 barrels, an increase of over 346,000 barrels, as contrasted with the decrease which I referred to previously of Canadian export shipments to the West Indies of approximately 401,000 barrels in the same period.'

"Both trade commissioners mention low grade hard wheat flour as also being satisfactory for the counter flour trade in the West Indies but our experience is that the natives have become accustomed to a very white flour and Western low grade Spring wheat flour can only be sold at a substantial discount, owing to the dark colour, which cannot be rectified by bleaching."

Mr. Soward stated that there is a period in each year which is a natural time for marketing Ontario wheat, that is, when the price is lowest, and, if all the factors that go to make up the delivery price are kept on a reasonable basis, they can do business at that time. He further stated "There will be later periods when all the reductions in the world would not move that wheat." Mr.

Soward's submissions might be summarized as a description of the competitive trade conditions, the importance of finding a market for the Ontario products, and the necessity for lower freight rates to assist in meeting such conditions. He does not contend the present freight rates are unreasonable in themselves and admits it is a question of policy for the railways to decide whether their interests would dictate that they should make a reduction in their rates.

Various witnesses for the applicants referred to the Board's Orders of 1905 (Nos. 586 and 641, dated July 25th and September 4th, 1905, respectively), which they understood were still controlling with respect to the export rates from Ontario points. Their submissions appear to be based on the assumption that what the Board did in 1905 was to prescribe some method of rate making to meet competitive conditions then existing as between Canadian and United States exporters. Upon this assumption it was alleged that the competitive conditions had greatly changed since that time and the matter should be now approached from the standpoint of the present competitive conditions. Counsel for the applicants, upon cross-examination of witnesses of the railways, asked a number of questions concerning the relative volume of grain and grain products shipped from United States and Ontario points in 1905 as compared with 1938 and relating to the competitive conditions existing in 1905 and at the present time. An examination of the record, based on which the Orders of 1905 issued, shows clearly that said Orders were not designed to meet any specific competitive conditions then existing as between Canadian and United States exporters, and there was no evidence then given as to the relative volume of traffic shipped from United States and Ontario points. The applicants' assumption entirely misapprehends the effect of the Orders. The situation then before the Board was that, for many years, the United States railways, in what is known as Central Freight Association Territory, had adopted the system of making freight rates to the eastern states and the seaboard for export on the basis of percentages of the Chicago-New York rates, i.e., Chicago was made the base and points east and west thereof took so much per cent less or so much per cent more than the Chicago rate. For example, the Detroit rate was 78 per cent of the Chicago rate, Indianapolis 93 per cent and East St. Louis 116 per cent. The same system had been adopted in computing export rates from Ontario points. The Detroit basis, viz., 78 per cent, applied from Ontario territory between the Detroit and Niagara frontiers. North and west of Toronto, the territory was divided into groups ranging from 80 per cent to 89 per cent in the Georgian Bay district and 100 per cent at North Bay. The Board considered the existing percentages were too high in some cases and out of proper proportion, consequently prescribed a revision of station groupings and maximum percentages of the Chicago-New York rate to be applicable therefrom, which were more favourable to the public than the basis of rates previously charged. The Board then made effective a more appropriate distance relationship rather than a competitive relationship and, of course, the distance to the seaboard is the same to-day as it was in 1905. There has never since been any application made to have the grouping and percentages modified nor complaint concerning their reasonableness.

It may be pointed out that the 1905 Orders covered "all export traffic, including grain and grain products." Obviously, the competitive conditions were dissimilar in the case of different commodities, so that an Order of the character set out, applicable with respect to all export traffic, clearly was not intended to meet specific competitive conditions.

The 1905 Orders also provided that the export rates from Ontario points to Montreal, formerly on the New York basis, would, in future, be the same difference below the New York rates as existed from Chicago and intermediate points, with a further stipulation that the ordinary summer class and commodity rates to Montreal were not to be exceeded on export traffic.

Apart from the foregoing, since 1934, the export rates on Ontario grain and grain products have been upon a lower basis than the prescribed percentages of the Chicago-New York rate by reason of the voluntary reduction made by the railways in that year as a measure of assistance to the millers. The present export rates are not, therefore, controlled by the 1905 Orders, but are lower than there provided for (Exhibit 9).

The applicants contend that, upon delivery of western grain at Fort William and Port Arthur, the contract with the railways is concluded and, thereafter, the bulk of the movement of grain to the Canadian seaboard is by water. Applicants assert that the small quantity moving by rail from bay ports is carried on a new contract, and it is, therefore, proper to compare the ex-lake movement from the bay ports with the movement from Ontario points, which shows rate differences as per Appendix "A" on the same commodity moving for export on the same train to the same point. The railways, on the other hand, state that the ex-lake rates are but proportions of the rates from the originating points and are not, therefore, comparable with the Ontario rates. They state:—

"The present relationship has existed for over thirty years at least. What the complainants overlook is the fact that they are almost next door so to speak to the export ports whereas the shippers of western grain traverse many times that distance before reaching scratch with the Ontario shippers. What is the entire transit for the Ontario product is merely the last leg for the western shipment and a moment's consideration will show the propriety of a lower proportional on the one than the total rate for the other. It should be remembered also that there is not a direct competition between the grain of the east and that of the west. This has been frequently asserted by the eastern interests and it is borne out by the commercial facts."

Reference was given to the Board's Judgment in Vol. 7, Board's Judgments and Orders, p. 290, where the railways, in that case, advanced the argument that the movement from the bay ports was a new transit, but the Board rejected that contention.

Exhibits 13 to 16, inclusive, show the following transportation costs:

From	Commodity	Rates in cents per 100 lbs.	
		To Montreal for export	To Halifax and St. John for export
Swift Current, Sask...	Wheat	36.59	42.32
Chatham, Ont...	"	21.3	21.83
Swift Current, Sask...	Flour	(a) 42.50	(a) 49.5
		(b) 43.12	(b) 48.76
Chatham, Ont...	"	21	22

(a) Milled in West.

(b) Milled in Ontario.

The ex-lake export rates and those applying on Ontario-grown grain and grain products have been before the Board for consideration on a number of occasions, so that the Board has been fully cognizant of these rate differences, and has found no justification for condemning them. The ex-lake export rates on grain without transit privilege have always been controlled by the Buffalo-New York rate. In Case 1819, Complaint of Ogilvie Flour Mills, Montreal, in February, 1908, the Board stated:—

"The highest rate obtainable from Georgian Bay and Lake Huron ports to Montreal, on wheat for export, is fixed by the rate prevailing from Buffalo to New York for the time being, which, in turn, is regulated by the competition of the Erie Canal. Mileage is ignored, and all ports are placed on the same footing. The bulk of the grain from the head of Lake Superior goes to Buffalo, and what is known as the 'at and east of Buffalo' rate fixes the 'at and east' rate from Canadian lake ports."

In Volume 12, Board's Judgments and Orders, p. 1, upon applications from the Canadian National Millers Association and the Dominion Millers Association, the Board reviewed the ex-lake export rates on wheat and flour and, in its Judgment, dated March 6, 1922, dealt quite fully with the competitive conditions by which they are controlled. It is therein stated that the ex-lake export rates were not established under the 1905 Orders and that they are not subject to the said Orders.

In Volume 13, Board's Judgments and Orders, p. 16, the Board had occasion to deal with a matter of interpretation of the 1905 Orders, and, in its Judgment, stated that the said Orders were only intended to establish a maximum rate basis and that the carriers were free to make any lower rates they might see fit in order to meet competitive conditions as existing from time to time.

In Volume 14, Board's Judgments and Orders, p. 52, by Judgment dated April 19, 1924, the Board again interpreted the 1905 Orders, outlining what traffic movements were covered thereby and also describing traffic movements which were not affected by them, which included ex-lake grain from bay ports shipped to milling points in Ontario, there milled, and the product re-shipped for export.

By General Order No. 400, dated May 14, 1924, the Board prescribed the rates to be charged in the following terms:—

"The Board orders that all railway companies subject to its jurisdiction who publish tariffs containing rates on ex-lake grain when milled bagged, cleaned, or clipped at lake ports or in transit and re-shipped to Atlantic seaboard ports for export, shall, effective not later than May 26, 1924, amend the said tariffs by publishing the following rates, namely:—

(1)	From	To	Rates in cents per 100 lbs.
Collingwood, Ont.		Montreal, Que.	17½
Depot Harbour, Ont.		Quebec, Que.	
Goderich, Ont.		St. John, N.B.	
Midland, Ont.		West St. John, N.B.	18½
Port Colborne, Ont.		Halifax, N.S.	
Port McNicoll, Ont.		Portland, Me.	
Tiffin, Ont.		Boston, Mass.	
		East Boston, Mass.	
		New London, Conn.	

The rates named above to apply on carload shipments of grain milled, bagged, cleaned, or clipped at shipping points specified: also on carload shipments ex-lake when milled, bagged, cleaned, or clipped in transit at other stations within Canada, and to include stop-off charge of 1c per 100 pounds, but exclusive of charge for out of line haul, if any.

(2)	To	From	Grain flour	Rates in cents per 100 pounds Other grain products
Baltimore, Md.		Collingwood, Ont.	22	23
Philadelphia, Pa.		Depot Harbour, Ont.	24½	25½
New York, N.Y.		Goderich, Ont.	21	22
Weehawken, N.J.		Midland, Ont.	22	23
		Port Colborne, Ont.	18½	19½
		Port McNicoll, Ont.	22	23
		Tiffin, Ont.	22	23

The rates named above, plus stop-off charge of 1c per 100 pounds, and charge for out of line haul, if any, will also apply on carload shipments of grain, ex-lake, milled, bagged, cleaned, or clipped in transit at other stations within Canada.

In Volume 17, Board's Judgments and Orders, p. 659, upon an application and complaint of the Dominion Millers Association, in which there also appeared as interveners the Maple Leaf Milling Company Limited, the Western Canada Flour Mills Co. Ltd., the Canadian National Millers Association, and the Ontario Department of Agriculture, there was considered again the interpretation of the 1905 Orders and the ex-lake export rates on grain milled in transit. In its

Judgment, dated November 11, 1927, the Board stated it "would require to be satisfied that the evidence adduced warranted the conclusion that the present rates which it prescribed in 1924 are unreasonable to the extent that they exceed the rates applied for." Its conclusion was "that the rates under attack have not been shown to be unreasonable or unjustly discriminatory, and that the Board would not be justified in directing any further reduction in the rates prescribed by its General Order No. 400, of May 14, 1924."

In Volume 22, Board's Judgments and Orders, p. 102, in Judgment dated June 9th, 1932, the matter of the effect upon inland Ontario millers of competitive rates published by the railways on grain and grain products from bay ports and the head-of-the-lakes to meet water competition was dealt with, and the Board stated:—

"The rate difference existing is treated by the applicants as being a measure of the railways' attempt to free themselves from the inhibitions of the Railway Act. The rate difference or detriment is not chosen by the railways as a matter of rate policy and independent of traffic conditions. It is a situation which is created by the activity of water carriers who are not subject to control. At the points where they are operating they are able to put in such rate adjustments as they deem proper. The railways meet these of necessity, and not of choice.

While the difference in rate brings about a situation which must, of necessity, be very hard on the applicants, it is concerned with a situation which arises outside of the Railway Act. The Board is not empowered to direct that a water-compelled rate shall be made the measure of the rate of the applicants as well. The railways have shown that keen competition via the all-water routes actually exists. The amount of empty tonnage is a factor to be given further weight in connection with any consideration of the level of water rates.

I am of opinion that the railways have successfully borne the onus that the circumstances involved are dissimilar and that unjust discrimination or undue preference within the provisions of the Railway Act has not been established."

In Volume 26, Board's Judgments and Orders, p. 198, by Judgment, dated June 20th, 1936, the complaint of the Ontario Flour Millers Association regarding rates on flour from bay ports to Montreal, Sorel and Quebec, for export, is dealt with by the Board. This is a complaint relating to a special competitive rate established by the railways on wheat considerably below the rate contemporaneously in force on flour between the same points which, it was claimed, makes it more difficult for the Ontario mills to compete in foreign markets against flour milled by foreign mills from Canadian wheat transported at low rates. By the issuance of Special Rate Notices, the railways had been charging on wheat, ex-lake from bay ports for through movement, without transit privileges, for export via Montreal, Sorel and Quebec, a rate of 4½ cents per bushel or 7.08 cents per 100 pounds. It was shown that this action was necessary to meet water competition. The Board stated:—

"In the absence of the competition just referred to, the highest wheat rate which the railways could obtain from Bay Ports is 8.33 cents, or 5 cents per bushel, which is the prevailing rail rate from Buffalo to New York, which, in turn, is regulated by water competition via the Erie Canal. Obviously, the Buffalo-New York rate is the maximum that can be charged from Bay Ports if any export wheat is to move through them. Except in the case of the millers located at water points, the grain milled by Ontario millers from ex-lake wheat necessarily moves all rail and is, therefore, not subject to the same competitive conditions as exist in the case of the through wheat movement. The flour rate was before the Board for review early in 1922 (Applications of the Canadian National

Millers' Association and the Dominion Millers' Association, Volume 12, Board's Judgments and Orders, p. 1). It was then 22 cents, with an intimation by the railways during the hearing that, upon the opening of navigation from Montreal, it would be reduced to 19½ cents, including the stop-off charge of 1 cent. The Board did not direct any lower rate on the record before it at that time. The rate to Saint John was also there in issue, as well as the question of the spread between the wheat and flour rates, which is raised in the present application. The applications were refused by the Board and an appeal therefrom made to His Excellency the Governor in Council, which was heard by a sub-committee of the Privy Council and dismissed by Order in Council P.C. 2264, dated October 27th, 1922.

The matter was again before the Board for consideration in 1924, as a result of submissions from some milling companies, and, after careful consideration, the Board directed the establishment of a rate of 17½ cents, including stop-off charge of 1 cent (Volume 14, Board's Judgments and Orders, p. 74). Since that time, the railways have voluntarily made further reductions in the rate."

The Board has frequently authorized changes in the ex-lake grain rates from bay ports on less than statutory notice in order to maintain therefrom a rate parity with the Buffalo-New York rate. In 95 I.C.C., at page 571, it is stated:—

"But when it is borne in mind that the ex-lake rates in question do not apply to local traffic but only to grain which reaches Buffalo by boat, and that the bulk of this grain undoubtedly originates in north-western territory, from which we have already indicated that the differences in total length of haul to the north Atlantic ports are not sufficient to justify port differentials, or in Canadian territory from which port differentials do not now obtain, it becomes clear that the comparatively small excess of distance from Buffalo to Boston is likewise an insufficient reason for differences in these rates. In other words, these ex-lake rates are in the nature of proportional rates and are made lower than the local rates because they apply to portions of much longer total hauls."

There appears to be no question as to the Buffalo-New York rates being considered as in the nature of proportions by the Interstate Commerce Commission, and the bay ports—Canadian seaboard rates are the Canadian counterpart thereof. The Board has also given consideration to the effect on millers in western Canada of rates established from bay ports (Volume 17, Board's Judgments and Orders, p. 659).

As stated earlier herein, the issue here is an allegation of unjust rate discrimination against Ontario farmers and Ontario millers.

With respect to discrimination, in Volume 21, Board's Judgments and Orders, page 2, it is stated:—

"A difference in rates may be discrimination, but not unjust discrimination of the character forbidden by the Railway Act. The interpretation of the Act in this respect and the position taken by the Board on the broad issue of unjust discrimination has been set out in a great many decisions of the Board and may be summed up by the following citations from two or three cases, which position has been uniformly followed in all other cases coming before the Board.

The late Chief Commissioner, Hon. Mr. Mabey, in *Toronto and Brampton vs. Grand Trunk Railway and Canadian Pacific Railway Companies*, 11 C.R.C. 370, stated:—

'The Railway Act, as I understand it, authorizes and justifies discrimination. It is only an undue, unfair, or unjust discrimination that the law is aimed against.'

In 18 C.R.C., 424, *Cuneo Fruit and Importing Company vs. Grand Trunk Railway*, it is stated:—

'Discrimination may or may not fall within the provisions of the Act. The Act, as it has always been interpreted by the Board, only forbids discrimination when it is undue or unreasonable.' In *re Western Tolls*, 17 C.R.C., 123, pages 148 to 156.

At page 24, in the same case, it is stated:—

'In Volume 12, Board's Judgments and Orders, page 268, *Complaint of the Spanish River Pulp and Paper Mills, Limited*, at pages 278 and 279, it is stated:—

'In dealing with the question of discrimination, the matter of detriment, if any, to which the applicant is subjected by the alleged unjust discrimination or undue preference must be considered. Difference in rates is discrimination; but the prohibitions of the Railway Act in regard to discrimination are prohibitions of unjust discrimination or undue preference, and the question is whether the discrimination amounts to an unjust discrimination or undue preference.' In *re Western Tolls*, 17 C.R.C., 123, at pages 148 to 156.

'One criterion of unjust discrimination is whether the district alleged to be discriminated in favour of has profited at the expense of the locality against which it is alleged the discrimination has taken place.'

Wegenast vs. G.T.R. Co., 8 C.R.C., 42, at page 45.

Toronto and Brampton vs. G.T.R. and C.P.R. Cos., 11 C.R.C., 370, at page 375.

Massiah vs. C.P.R. Co., Board's Judgments and Orders, Volume 4, page 106.

'In *Ontario Paper Co. vs. G.T.R. Co.*, 24 C.R.C., 177, no evidence was submitted that any rate advantage possessed by any competitor had rendered it more difficult for the applicant company to do business, and the allegation of unjust discrimination was held to be unfounded.'

'Evidence is required as to how rates complained of react to the detriment of the applicant.'

Zwicker and Co. vs. Can. Nat. Rys., Board's Judgments and Orders, Volume 12, No. 16, at pages 152, 153.

'The ultimate test of discrimination is to be found not in difference of rates but in the question whether as a result of this difference an injury is worked to an individual or locality. One test of this is whether the locality alleged to be favoured actually gets into a common market on a lower rate. The rate paid rather than the distance travelled is important.' In *re Telegraph Tolls*, 20 C.R.C., 1, page 23."

In cases before the Board, there has been raised the question whether there is unjust discrimination if it is found that the carriers, for similar transportation service, obtain a greater revenue in some cases than in others and, in Volume 21, Board's Judgments and Orders, at page 8, it is stated:—

"We do not consider it is necessary here to make any extended comment on the point raised by applicant, not only with respect to the rates here referred to, but also with regard to import rates and international rates which are later dealt with herein; that there is unjust discrimination if it is found, as it is, that the carriers, for similar transportation service, obtain greater revenue in some cases than in others.

This is a subject concerning which a great deal could be said. It is a general condition throughout the rate structure in any country in the world and it is just as much in the interest of the shipping public and necessary to the development of business as it is to the interest of the carriers to enable them to develop and encourage the free movement of commodities. In this respect the transportation companies are in much the same position as the shipper, as the latter is also compelled, with a fixed cost of producing an article, to accept a lower price for it in certain territories than in others. The applicant is no exception to the rule, its president stating (p. 4170) they are selling their product in Vancouver at a price as low or lower than in Montreal; further stating (p. 4171): 'If you accuse me of selling to the Vancouver man at less than f.o.b. Montreal, I am guilty.' He stated the same condition would prevail with regard to goods exported to other countries (p. 4172). The whole rate structure is honeycombed with rates that are an exception to any principle of equality in earning for a similar transportation service. This condition has always existed, has been recognized and approved by all rate regulating tribunals, and is not contrary to law. Without such a condition the business of the country could not develop and flourish. These variations in rates are necessary to develop traffic, to enable its free movement and to meet market, water and rail competition. There is also the feature of the value of the service. The actual difference in the cost of the movement of a carload of silk and a carload of coal is relatively insignificant compared with the difference in the value of the two carloads and, under any theory of the same revenue for a similar transportation service, the rate on coal would be prohibitive whereas the silk would not contribute its fair share to the carrier's revenue.

Of course, throughout all this there must not be a difference in rates which results in an unjust discrimination, and the Railway Act distinctly stipulates this. As already stated herein, it is the duty of the Board to determine, on the facts and circumstances developed in each individual complaint whether or not unjust discrimination does exist, and if it does, this condition must be remedied."

Applying these principles to this case, it will be found, upon the record before us:—

That, notwithstanding the spread between the ex-lake export rates from the bay ports and from Ontario points, the transportation cost to the eastern Canadian seaboard in respect of the export of western Canadian grain and the products thereof is greatly in excess of the transportation cost from Ontario points.

That this rate difference has not been shown to have transferred the export market from the Ontario farmer to the western farmer. Applicant's witnesses stated the western and Ontario wheat serve different markets. The diminishing market in the British West Indies was particularly stressed, and Mr. McArthur stated it was lost to Australian and English mills "practically all at the expense of Ontario wheat flour." There was a statement that last year a small quantity of low-grade western wheat flour found its way into the West Indies market, but there was nothing definite placed on the record with regard to it. There has already been quoted herein extract from Mr. Soward's submission, in which it is stated that,—

"the natives have become accustomed to a very white flour and Western low-grade Spring wheat flour can only be sold at a substantial discount, owing to the dark colour, which cannot be rectified by bleaching."

Mr. Soward also stated (page 379) that western grain and Ontario grain were not competing between themselves in the West Indies market and that "Western low-grade wheat will only compete when the other, the whiter flour that is desired, cannot be obtained."

There was a reference, but without any details, to importation of wheat from the United States by certain Ontario mills, but the record is not clear whether this was for domestic or export use. This would appear to have been an unusual and abnormal transaction, and it is observed from House of Commons Debates, March 9th, 1939, page 1842 of Hansard, that the Minister of Trade and Commerce stated that the Ontario millers had agreed to discontinue the importations of wheat from the United States.

With respect to ex-lake export grain rates, without transit privilege, it is clearly shown that these are necessitated by competitive conditions. It has not been proven that the Ontario farmers or millers have been detrimentally affected by the ex-lake export rates on grain and grain products. The ex-lake export rates, with milling-in-transit privilege, are of distinct benefit to the interior Ontario millers. In many cases the same or lower rates are available by the water carriers, which are not subject to control or regulation as to their rates on grain and grain products, and it is, therefore, largely a question whether or not the railways will participate to some extent in a movement which will take place in any event. The railways cannot rightly be charged with producing discrimination unless it can be demonstrated that it was created by their action and that they could, by their own unaided acts, remove it. We have no such showing here.

The export grain rates from Ontario points also apply on corn. Concerning this phase of the application, the railways state:—

“Next there is the alleged discrimination against Ontario corn from Sarnia or Windsor to Montreal, in favour of Argentine or South African corn from Montreal, etc., to Sarnia or Windsor. The rate on Ontario corn from Sarnia or Windsor is merely one of a large number of rates applying from a considerable portion of Ontario to Montreal, etc., which as stated were prescribed by the Board in Orders Nos. 586 and 641. The rates on Argentine and South African corn from Montreal, etc., to Sarnia and Windsor are not only import rates but are specific rates made to meet water competition. The somewhat large movement of Argentine and South African corn within a recent period was due to the shortage of the corn crop in the United States; otherwise there would have been no movement and no special rates. In order to obtain a share in this business, which was moving by water in large quantities from Montreal, etc., the Canadian railways published rates of 13 cents from Montreal and 14 cents from Quebec, Sorel and Three Rivers. If they had not put in such rates, the whole of the movement would have been by water. Obviously the position of the complainants was not thereby prejudiced.

“It is not suggested that there has been any corn offering for movement to Montreal for export from Ontario points, and an essential element in a claim of unjust discrimination is lacking: but, even if it were present, the fact of water competition fully justifies the action of the railways.”

We were furnished with no evidence as to the total transportation cost to Windsor or Sarnia on Argentine or South African corn. The position of the applicants is that, regardless of the fact that the corn may have been grown in Kansas, Argentina or South Africa, and incurred a substantial transportation cost up to the milling point in Ontario, the shipment of the product for export should be subjected to the same freight rate as if the corn originated at the milling point and without any prior transportation cost. Inasmuch as the Ontario production of corn has not developed to the point where there is an exportable surplus, in fact in some years it does not meet the domestic demand, and the mills have, consequently, been compelled to use imported corn for their export market, the question of the difference in corn rates is, at the present time, an academic rather than an actual problem. In any event, nothing was placed

in evidence before us which would justify our condemning the present ex-lake corn rates.

Other matters were referred to at the hearings, which have not been commented upon herein, but the complete record has been carefully considered.

While one may sympathize with the position of the applicants in their diminishing market, the record shows pretty clearly that it is caused by conditions arising outside the scope of the Railway Act, which only empowers the Board to deal with the reasonableness of rates and questions of unjust discrimination concerning same. It is not the Board's function to go further and attempt to apply its ideas of the solution of these other economic developments which are outside the realm of reasonable freight rates. The Board has repeatedly held that the railways have powers in regard to developing traffic which are not held by the Board; that is to say, a railway, taking the risk of profit or loss, may put in a rate to develop traffic which it would not be justifiable for the Board to direct. Mr. Soward (page 381) indicated that it was his view that the matter was a question of policy for the railways to decide whether it would be in their interest to make a reduction in the rates.

Upon what is before us, it is not shown that any unjust rate discrimination exists, consequently, the application must be dismissed.

OTTAWA, May 31, 1939.

The Assistant Chief Commissioner and Commissioner Stoneman concurred.

APPENDIX "A"

CARLOAD RATES ON GRAIN AND GRAIN PRODUCTS

(In cents per 100 pounds)

Ex-lake export rates on grain, without transit privilege		Ex-lake export rates on grain milled in transit, including stop-off charge					
To Montreal Sorel Quebec		To Halifax St. John West St. John		To Montreal Sorel Quebec		To Halifax St. John West St. John	
		*					
Barley	..	12.04	13.08	14	16½		
Buckwheat							
Corn	.. . . .	10.40	11.29	..	...
Oats	.. . . .	11.07	12.63	..	...
Rye	.. . . .	10.40	11.29	..	...
Wheat	.. . . .	10.34	11.17	..	...

EXPORT RATES ON ONTARIO GRAIN AND GRAIN PRODUCTS, EXCLUSIVE OF STOP-OFF CHARGE OF 1c

From Chatham			To		
To Montreal, Sorel, Quebec			Halifax, St. John, West St. John		
Bulk grain	Flour	Other Grain products	Bulk grain	Flour	Other Grain products
20	21	21	21	22	23

RATES ON CORN

From		To Sarnia and Windsor	From Sarnia and Windsor for Export
Quebec	}		To
Three Rivers		14	Montreal
Sorel			Sorel
Montreal		13	Quebec
			20

* Subject to any lower rates published in Special Rate Notices.

ORDER No. 57546

In the matter of the application of farmers and millers in Ontario for an Order directing the Canadian Pacific and the Canadian National Railways to establish the same rates on grain and the products thereof, produced and milled in Ontario and shipped to St. Lawrence and Atlantic ports for export, as are currently published on ex-lake grain and grain products for export via the same ports.

File No. 30686.26

SATURDAY, the 3rd day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Toronto on February 21, 22, and 23 and in Ottawa on March 29, 1939, in the presence of counsel for and representatives of the applicants and the railway companies, and what was alleged; and upon reading the submissions filed on behalf of the Legislative Assembly of Ontario,—

It is ordered: That the application be, and it is hereby, refused.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57457

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

TUESDAY, the 16th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 6 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the proportions of joint rates to be reported for the Temiscouata Railway Company at 6½ cents per 100 pounds, the Canadian Pacific Railway Company the balance.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 6 to Tariff C.T.C. No. E.4878, approved herein, are as follows:—

To	Cents per 100 pounds		
	Minimum weights		
	24,000	30,000	33,000
Baker Brook, N.B.	38½	....	....
Edmundston, N.B.	30½	....	....
Fredericton, N.B. . . . .	....	....	10½
Grand Falls, N.B.	29	....	....
Montreal, Que. . . . .	....	40	....
Ottawa, Ont. . . . .	....	41	....
Perth Jct., N.B.	27½	....	....
Quebec, Que. . . . .	....	38	....
Sherbrooke, Que. . . . .	....	38½	....
Toronto . . . . .	....	45½	....
Woodstock, N.B. . . . .	....	....	25

The Temiscouata Railway Company's proportion, 8 cents per 100 pounds; the Canadian Pacific Railway Company the balance.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57477

In the matter of the application of The Niagara, St. Catharines and Toronto Railway Company, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport passengers and/or goods by water between ports on Lake Ontario, within the proclaimed area.

File No. 42076.10

THURSDAY, the 18th day of May, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport passengers and/or goods by water between ports and places within Canada on Lake Ontario, in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15th, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the lessee of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely,—

Vessel name	Official Registry No.	Gross Tonnage
Dalhousie City.	130312	1,256
Northumberland.	96937	1,255

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2 of the said Act;

Therefore the Board orders:

1. That licence number C.T.C. (W.T.) 12 be issued for a period of one year from January 15th, 1939.
2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24th, 1939, and any amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57469

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

MONDAY, the 22nd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. E.4889, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. E.4889, approved herein, are as follows:—

Item	From	Cents per 100 pounds
5	Bonny River, N.B...	4½
	Lepreaux, N.B...	3
	New River, N.B...	3
	Pennfield, N.B...	4
10	Pocologan, N.B...	4

HUGH GUTHRIE,
Chief Commissioner.

ORDER No. 57470

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

MONDAY, the 22nd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 13 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and there are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 13 to Tariff C.T.C. No. 1063, approved herein, are as follows:—

Item	From	Cents per 100 pounds
106	Fenerty's Siding, N.S.	7½
	Mount Uniacke, N.S.	9
	Windsor, N.S.	10
	Mosherville, N.S.	10½
	Kennetcook, N.S.	11½
107	Lower Truro, N.S.	12
	Hantsport, N.S.	10½
	Port Williams, N.S.	11
	Mill Village, N.S.	11½
	Kingsport, N.S.	12
108	Grafton, N.S.	14
	Weston, N.S.	14
	Berwick, N.S.	12
	Kingston, N.S.	13½
	Middleton, N.S.	14
109	Paradise, N.S.	14
	Bridgetown, N.S.	14½
	Annapolis, N.S.	14½
	Hebron, N.S.	16
	Yarmouth, N.S.	16½

HUGH GUTHRIE,
Chief Commissioner.

ORDER No. 57471

In the matter of the joint application of the Canadian Pacific Railway Company and the Canadian National Railways, under Section 348 of the Railway Act, for approval of the French text of the form of contract restricting the liability of telegraph and cable companies subject to the jurisdiction of the Board, in connection with the transmission of telegraph messages, which form is to be used within the limits of the Province of Quebec.

File No. 13622

MONDAY, the 22nd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the English text of the said contract form was approved by the Orders of the Board numbered General Order 162, dated 30th March, 1916, and 49274, dated 5th December, 1932;

And whereas the French text of such form of contract submitted by the Canadian Pacific Railway Company and the Canadian National Railways conforms with the conditions approved by the said Orders of the Board—

It is ordered:

1. That the French text of the form of contract restricting the liability of telegraph and cable companies subject to the jurisdiction of the Board in connection with the transmission of telegraph messages, which form is to be used within the limits of the Province of Quebec, on file with the Board under file No. 13622, be, and it is hereby, approved.

2. That Order No. 57370, dated May 2, 1939, be, and it is hereby, rescinded.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57480

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 22nd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in Supplement No. 6 to Tariff C.T.C. No. E. 2925, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57482

In the matter of the application of the Union Transit Company Limited, under Section 21 of The Transport Act, 1938, for approval of its Standard Mileage Freight Tariff C.T.C. No. 1, on file with the Board under file No. 42082.21.

MONDAY, the 22nd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Mileage Freight Tariff C.T.C. No. 1 of the Union Transit Company Limited, on file with the Board under file No. 42082.21, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57484

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant" under Section 10 of The Transport Act, 1938, for a licence to transport passengers and/or goods by water between ports on Lakes Superior and Huron (including Georgian Bay) and their connecting waters, within the proclaimed area.

File No. 42076.24.

TUESDAY, the 23rd day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport passengers and/or goods by water between ports and places within Canada on Lakes

Superior and Huron (including Georgian Bay) and their connecting waters, all within the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely,—

Vessel name	Official Registry No.	Gross Tonnage
Alberta.. . . .	85765	2,829
Athabasca.. . . .	85764	2,784
Assiniboia.. . . .	125984	3,880
Keewatin.. . . .	125985	3,856
Manitoba.. . . .	94879	2,616

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act;

Therefore the Board orders:

1. That licence number C.T.C. (W.T.) 14 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57485

In the matter of the applications of Trans-Canada Air Lines, Prairie Airways Limited, and Canadian Airways Limited, hereinafter called the "Applicants," for modification of Order No. 56292, dated the 12th August, 1938, to permit the use of the forms of merchandise and money receipt, therein approved, for the purpose of the carriage of goods over the licensed routes of the Applicants.

Case No. 210.2

TUESDAY, the 23rd day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicants are carriers by aircraft licensed pursuant to Section 13 of the Transport Act, 1938, and are thereby required to submit for approval all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder;

And whereas Order No. 56292, dated August 12, 1938, does approve the forms of money and merchandise receipt for carriage by air express which the Applicants desire to utilize also for the purpose of the carriage of goods under the terms of the licences granted;

Therefore the Board orders: That the Applicants be, and they are hereby, authorized to adopt for the carriage of goods over their respective licensed routes the forms of contract of carriage approved by Order No. 56292, dated August 12, 1938, by overprinting the name of the respective licensed carrier thereon.

The Board orders further that upon the exhaustion of the supply of forms hereby approved the carriers shall submit for approval a revised form of contract.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57488

In the matter of the application of the Colonial Steamships Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.16.

THURSDAY, the 25th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely,—

Vessel name	Official Registry No.	Gross Tonnage
Bayton.....	141675	4,176
Laketon.....	137906	4,423
Mathewston.....	141679	7,403
Riverton.....	137898	4,423
Royalton.....	151108	7,164
Easton.....	132069	1,757
Northton.....	148077	2,227
Yorkton.....	132060	1,771

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2 of the said Act;

Therefore the Board orders:

1. That licence number C.T.C. (W.T.) 16 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57490

In the matter of the application of the Union Transit Company, Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.25

THURSDAY, the 25th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of and does propose to employ, the undermentioned ship for the purpose of such transportation, namely,—

Vessel name	Official Registry No.	Gross Tonnage
William Schupp	160713	1,779

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2 of the said Act;

Therefore the Board orders:

1. That licence number C.T.C. (W.T.) 21 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57491

In the matter of the application of the Upper Lakes and St. Lawrence Transportation Co. Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.22

THURSDAY, the 25th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel name	Official Registry No.	Gross Tonnage
Frank B. Baird.. . . .	147854	1,748
Brown Beaver.. . . .	160721	1,892
Grey Beaver.. . . .	160722	1,892
Ralph Budd.. . . .	154862	4,537
Norman P. Clement.. . . .	146255	1,729
William H. Daniels.. . . .	147764	1,764
Edwin T. Douglass.. . . .	146334	1,749
Albert C. Field.. . . .	147767	1,764
Judge Hart.. . . .	146247	1,729
Charles R. Huntley.. . . .	148898	1,760
Judge Kenefick.. . . .	148430	1,745
Norman B. Macpherson.. . . .	148846	1,743
John S. Pillsbury.. . . .	149071	1,754
Robert W. Pomeroy.. . . .	147076	1,724
John J. Rammacher.. . . .	147080	1,723
John B. Richards.. . . .	148849	1,743
James Stewart.. . . .	148901	1,760
Shirley G. Taylor.. . . .	148440	1,746
George L. Torian.. . . .	149070	1,754
William C. Warren.. . . .	148851	1,745
Shelton Weed.. . . .	148453	1,745
John A. Holloway.. . . .	148434	1,745

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, Subsection 2, of the said Act;

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 19 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57492

In the matter of the application of the Detroit & Georgian Bay Navigation Co. Ltd., under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by the Board of Directors of the Company on May 4, 1939, authorizing the Traffic Manager of the Company to prepare and issue tariffs on the tolls to be charged in respect of the vessel owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.19

THURSDAY, the 25th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the Detroit & Georgian Bay Navigation Co. Ltd., adopted May 4, 1939, authorizing the Traffic Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessel owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.19, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57493

In the matter of the application of the Blue Line Motorships Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.21

THURSDAY, the 25th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely,—

Vessel name	Official Registry No.	Gross Tonnage
Blue Cross.	154909	1,768
Blue River.	155295	1,770

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, of subsection 2 of the said Act;

Therefore the Board orders:

1. That licence number C.T.C. (W.T.) 17 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57494

In the matter of the application of Paterson Steamships Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.11

THURSDAY, the 25th day of May, A.D. 1939

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15th, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ships for the purpose of such transportation, namely:—

Vessel name	Official Registry No.	Gross Tonnage
Cartierdoc..	149455	1,919
Coteaudoc..	149500	1,940
Farrandoc..	161526	1,925
Ganandoc..	161511	1,924
Hamildoc..	149433	1,926
Kenordoc..	147782	1,780
Kingdoc..	149429	1,926
Lachinedoc..	149430	1,926
Lavaldoc..	149456	1,918
Lawrendoc..	161513	1,924
Mondoc..	149459	1,926
Newbrundoc..	149466	1,934
Novadoc..	149465	1,934
Prescodoc..	161514	1,938
Sarniadoc..	149496	1,940
Soreldoc..	149460	1,926
Thordoc..	125442	2,158
Torondoc..	149431	1,927
Troisdoc..	149462	1,925
Wellandoc..	149435	1,926

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 15 be issued for a period of one year from January 15th, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24th, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57495

In the matter of the application of the Norris Steamships Limited, hereinafter called the "Applicant," under Section 10 of the Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.20

THURSDAY, the 25th day of May, A.D. 1939

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15th, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ship for the purpose of such transportation, namely:—

Vessel name	Official Registry No.	Gross Tonnage
James B. Eads.	153126	3,865

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 18 be issued for a period of one year from January 15th, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24th, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57496

In the matter of the application of the Northland Steamship Company Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.23

THURSDAY, the 25th day of May, A.D. 1939

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15th, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ship for the purpose of such transportation, namely:—

Vessel name	Official Registry No.	Gross Tonnage
Sarnian.	134011	2,656

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That licence No. C.T.C. (W.T.) 20 be issued for a period of one year from January 15th, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24th, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER 57497

In the matter of the application of the Abitibi Navigation Company, Limited, hereinafter called the "Applicant" under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and their connecting waters, within the proclaimed area.

File No. 42076.18

THURSDAY, the 25th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes,

as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ship for the purpose of such transportation, namely,—

Vessel name	Official Registry No.	Gross Tonnage
Wahcondah..	102577	1,575

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act;

Therefore the Board orders:

1. That licence number C.T.C. (W.T.) 22 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57499

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 25th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1104, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1104, approved herein, are as follows:—

Item	Cents per 100 pounds	
5	4th class rates as covered by previous order or orders.	
10 }	Billed	Normal
15 }	3·8	4·7
20 }		

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57487

In the matter of the application of the Niagara, St. Catharines and Toronto Railway Company, under Section 21 of The Transport Act, 1938, for approval of Standard Freight Tariff (Canadian National Railways) C.T.C. No. E-2983, applicable between Toronto, Ontario, and Port Dalhousie, Ontario, on file with the Board under file No. 42082.20.

FRIDAY, the 26th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Freight Tariff of the Niagara, St. Catharines & Toronto Railway Company, published as Canadian National Railways C.T.C. No. E-2983, effective June 1, 1939, and applicable between Toronto, Ontario, and Port Dalhousie, Ontario, via Niagara, St. Catharines and Toronto Railway Steamship Service, on file with the Board under file No. 42082.20, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57500

In the matter of the application of the Abitibi Navigation Company Limited, under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by the Board of Directors of the Company on April 14, 1939, authorizing the General Traffic Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File 42081.20

FRIDAY, the 26th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered:

That the said resolution of the Abitibi Navigation Company Limited, adopted April 14, 1939, authorizing the General Traffic Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.20, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57502

In the matter of the application of Reginald Arthur Carter, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.26

FRIDAY, the 26th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant does propose to employ the undermentioned ship for the purpose of such transportation, and is a "person entitled to engage in transport by water by means of such ship":—

Vessel name	Official Registry No.	Gross Tonnage
Brulin	148087	2,241

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 23 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and he is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57507

In the matter of the application of the Abitibi Navigation Company Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Freight Distance Tariff C.T.C. No. 1 on file with the Board under file No. 42082.22.

FRIDAY, the 26th day of May, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Freight Distance Tariff C.T.C. No. 1 of the Abitibi Navigation Company on file with the Board under file No. 42082.22, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57522

In the matter of the application of Arrow Airways Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Air Passenger Tariff C.T.C. No. 2 and Standard Air Goods Tariff C.T.C. No. 3, on file with the Board under file No. 42017.6.

MONDAY, the 29th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Air Passenger Tariff C.T.C. No. 2 and Standard Air Goods Tariff C.T.C. No. 3 of Arrow Airways Limited, on file with the Board under file No. 42017.6, be, and they are hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57523

In the matter of the application of the Burke Towing & Salvage Co. Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and their connecting waters within the proclaimed area.

File No. 42076.5

MONDAY, the 29th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ship for the purpose of such transportation, namely:—

Vessel name	Official Registry No.	Gross Tonnage
Arlington.. . . .	138219	1,870

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 24 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57530

In the matter of the tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 29th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 58 to Tariff C.T.C. No. E-1911
 Supplement No. 47 to Tariff C.T.C. No. E-2444
 Supplement No. 5 to Tariff C.T.C. No. E-2769
 Supplement No. 7 to Tariff C.T.C. No. E-2925
 Tariff C.T.C. No. E-2993

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57529

In the matter of the tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 30th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 111 of Supplement No. 14 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 111 of Supplement No. 14 to Tariff C.T.C. No. 1063, approved herein, are as follows:—

Item	To	Cents per 100 pounds
111	Halifax, N.S.	8
	Windsor, N.S.	6½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57531

In the matter of the application of the Union Transit Company, Limited, under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by the Board of Directors of the Company on May 27, 1939, authorizing the Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.18

THURSDAY, the 1st day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the Union Transit Company, Limited, adopted May 27, 1939, authorizing the Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.18, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57537

In the matter of the application of the Burke Towing & Salvage Co. Limited, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors on May 25, 1939, authorizing the General Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.21

FRIDAY, the 2nd day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the Burke Towing & Salvage Co. Limited, adopted May 25, 1939, authorizing the General Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.21, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57538

In the matter of the application of the Burke Towing and Salvage Company Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Mileage Freight Tariff C.T.C. No. 1 on file with the Board under file No. 42082.23.

FRIDAY, the 2nd day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Mileage Freight Tariff C.T.C. No. 1 of the Burke Towing and Salvage Company on file with the Board under file No. 42082.23, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57541

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 2nd day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 555 of 3rd revised page 34 to Tariff C.T.C. No. E.4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 555 of 3rd revised page 34 to Tariff C.T.C. No. E.4757, approved herein, are the 7th class rates covered by previous order or orders; one and one-half cents per 100 pounds to be deducted on account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57542

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

FRIDAY, the 2nd day of July, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 780, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said C.T.C. No. 780, approved herein, is 6½ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 588

In the matter of the application of The Railway Association of Canada for an Order amending the General Order of the Board No. 577, dated September 6, 1938, authorizing the shipment of black fuse powder in cloth bags, the bags to be packed in wooden boxes, Specification 14.

File No. 1717.44

THURSDAY, the 11th day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Director, Operating Department of the Board,—

It is ordered:

1. That the Regulations for the Transportation of Explosives by Freight, approved by General Order No. 204, dated August 11, 1917, as amended, be, and they are hereby, further amended by adding the following after paragraph No. 1534 in Section 2 of the regulations, namely:—

“1534a. Black fuse powder may also be packed for shipment in cloth bags, of capacity not exceeding 25 pounds net weight, provided the completed shipping package shall be capable of standing a drop of four feet without rupture of inner or outer containers; the bags to be packed in wooden boxes, Specification 14, or fibreboard boxes, I.C.C. Specification 23 (f) (as approved by the General Order of the Board No. 499, dated 20th May, 1932). When the latter are used, the tubes may be eliminated and a single tube, as specified in Specification 23 (f), may be substituted. The completed package shall not contain more than fifty pounds net weight of black fuse powder.”

2. That the said General Order No. 577, dated September 6, 1938, be, and it is hereby, rescinded.

H. GUTHRIE,
Chief Commissioner,

GENERAL ORDER No. 589

In the matter of rules to be complied with by municipalities and provinces in carrying out works of grade separation authorized under Order of the Board.

File No. 11026.79

SATURDAY, the 27th Day of May, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the consents of the Canadian Pacific Railway Company and the Canadian National Railways, filed; and upon the report and recommendation of the Chief Engineer of the Board—

It is ordered: That the following rules be and they are hereby, prescribed in connection with the carrying out of works of grade separation authorized by the Board, namely:—

Structures Supporting Railway Tracks and Facilities

The Railway Company shall—

1. Design the entire structure and prepare all plans necessary for the construction thereof, and supervise the construction.

2. Design, install, and maintain all falsework which may be necessary for the temporary support of its tracks or other facilities during the construction of the work, and perform all work in connection with such changes to any of its facilities as may be necessary to permit the execution of the project and to protect its traffic.

3. Invite tenders and award the contracts for the construction of the structure, subject to the approval of the province or municipality, as the case may be.

4. Approve all shop drawings for fabricated structural steel or iron before their submission to the Board, and perform the necessary mill, shop, and field inspection in connection therewith.

5. All work shall be carried out in accordance with the Railway Company's specifications.

Structures Carrying Highways Over Railway Companies' Tracks and Facilities

1. The structure may be designed by the province or the municipality, and all plans and specifications submitted to the Railway Company for its approval; or, if agreed upon by the interested parties, it may be designed by the Railway Company and all plans and specifications submitted to the province or the municipality for its approval.

2. The construction of the structure within the limits of the Railway Company's property shall be carried out to the satisfaction of the Railway Company. The Railway Company shall perform all work in connection with such changes to any of its facilities as may be necessary to permit the execution of the project and to protect its traffic.

3. All work carried out on the Railway Company's property, which by its consent is performed by other than the Railway Company, must previously have the approval of and be carried out under the supervision of the Railway Company.

4. When any part of the structure is to be maintained by the Railway Company, such part of the structure shall be constructed in accordance with the Railway Company's specifications.

H. GUTHRIE,
Chief Commissioner,

P.C. 1229

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 27th day of May, 1939

PRESENT

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, licence aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1(b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas, by Orders in Council P.C. 569 of March 14, 1939, and P.C. 953 of April 26, 1939, certain points and places, as recommended by the Board, have been named by the Governor in Council under the provisions of subsection 1(b) of Section 15 of The Transport Act, 1938, such points and places comprising air transport routes identified by the numbers C. 1 to C. 31, inclusive;

And whereas the Minister of Transport reports that, under date the 1st of May, 1939, the Board has advised that it is of the opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to reasonably regular air transport services between the undermentioned points and places, which are designated, for identification purposes, by the route numbers C. 32, C. 33 and C. 34;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the provisions of subsection 1(b) of Section 15 of The Transport Act, 1938, is pleased to name and doth hereby name the said points and places, as follows:—

Route No.

Points and Places

- C. 32 Edmonton, Lac la Biche, S. Wabiskaw Lake, N. Wabiskaw Lake, McMurray, Bitumont, Embarras, Chipewyan, in the Province of Alberta, Fort Smith, in the Northwest Territories, Goldfields, Fond du Lac, Stony Rapids, in the Province of Saskatchewan;
- C. 33 Edmonton, Lac la Biche, McMurray, Embarras, Chipewyan, Fitzgerald, in the Province of Alberta, Fort Smith, Resolution, Talston River, Yellowknife, Gordon Lake, Rae, Port Radium, Coppermine, in the Northwest Territories;
- C. 34 Edmonton, S. Wabiskaw Lake, N. Wabiskaw Lake, McMurray, Chipewyan, Fort Vermilion, Fitzgerald, in the Province of Alberta, Fort Smith, Resolution, Hay River, Providence, Simpson, Liard, Wrigley, Norman, Good Hope, Arctic Red River, McPherson, Aklavik, in the Northwest Territories;

such points and places to include the areas surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

E. J. LEMAIRE,

Clerk of the Privy Council.

SUMMARY OF ORDERS ISSUED BY THE BOARD

57359. Apr. 28—Approving By-law No. 4 of Trans-Canada Air Lines authorizing certain officials to prepare and issue tariffs of tolls.
57360. May 1—Declaring C.P.R. crossing on Front Street, London, Ontario, protected to Board's satisfaction.
57361. May 1—Authorizing C.N. Rys. to remove station shelter at Manchester, Ontario.
57362. May 2—Approving station location at Malartic, Quebec, Val d'Or Subdivision. (C.N. Rys.)
57363. May 1—Authorizing the issuing of a licence to M. & C. Aviation Co. Ltd. for the transport of passengers and/or goods between Big River and Lac la Loche, Sask.
57364. May 2—Approving clearance over St. Charles River Bridge at Limoilou, Que. (Q.R.L. & P. Co.)
57365. May 1—Approving installation of reflectorized cross-buck sign at crossing west of Beinfait Street, Saskatoon. (C.N. Rys.)
57366. May 2—Approving under Maritime Freight Rates Act tariffs and supplements filed by C.N. Rys.
57367. May 3—Approving under Maritime Freight Rates Act tariffs and supplements filed by D. A. Ry. under Section 9.
57368. May 3—Approving under Maritime Freight Rates Act tariffs and supplements filed by D.A. Ry. under Section 9.
57369. May 2—Approving agreement between C.P.R. and C.N. Rys. and Gair Co. of Canada, Ltd. *re* agreed charge on Boxboard, etc., from Montreal and Toronto to Edmonton, Alta.
57370. May 3—Approving French translation of Form of Contract restricting liability in transmission of telegraph messages, C.P.R.
57371. May 3—Approving diversion of highway along south side C.N. Rys. at Albany, P.E.I. Dept. Public Works and Highways, P.E.I.
57372. May 2—Declaring highway crossing west of Hopewell Station protected to Board's satisfaction. (C.N. Rys.)
57373. May 2—Approving plans showing signal circuits of bells and wigwag protection west of Lynden station. (C.N. Rys.)
57374. May 3—Declaring C.N.R. crossing east of Stirling Station protected to Board's satisfaction.
57375. May 3—Approving Standard Freight Tariffs of maximum mileage tolls of certain Steamship Companies.
57376. May 3—Approving Canadian Freight Association's Supplement No. 2 to C.F.C. No. 19.
57377. May 2—Approving plans of station to be erected at Cadillac, Que. (C.N. Rys.)
57378. May 2—Authorizing clearance on bridge over Des Prairie River at Ste. Dorothee, Que. (C.N. Rys.)
57379. May 4—Ordering maintenance of overhead crossing in Clericy, Que., at expense of County of Abitibi. (C.N. Rys.)
57380. May 2—Authorizing construction of highway crossing over C.P.R. Stirling Subdivision, Alberta.
57381. May 5—Approving location tank car, etc., for Canadian Oil Companies, Limited. (C.N. Rys.)
57382. May 5—Authorizing operation of bridge at M. 17-7, Asquith Subdivision, Sask. (C.N. Rys.)
57383. May 5—Approving resolution Calvin Shipping Company, Limited, authorizing certain officials to prepare and issue tariffs of tolls.
57384. May 4—Declaring Bridge Street crossing, Sackville, N.B., protected to Board's satisfaction. (C.N. Rys.; speed limit of 10 miles an hour to be maintained.)
57385. May 5—Approving relocation trackage to serve Lethbridge Breweries, Limited, Lethbridge, Alta. (C.P.R.)
57386. May 5—Approving plan showing location of storage tank of Weyburn Hi-way Refineries, Ltd., Bienfait Subdivision. (C.N.R.)
57387. May 5—Granting leave to C.P.R. to operate interlocking plant at Kettle Valley & C.N.P. Ry., Hope, B.C.
57388. May 5—Exempting C.P.R. from maintaining cattle guards at mileages 26-55 and 37-20, Drummondville Subd'n.
57389. May 5—Authorizing the issuing of a licence to M. & C. Aviation Co. Limited, to transport passengers and/or goods between Prince Albert and other points in Saskatchewan.
57390. May 5—Approving under Maritime Freight Rates Act tariffs and supplements filed by the Dominion Atlantic Ry. under Section 9.
57391. May 5—Approving under Maritime Freight Rates Act tariffs and supplements filed by the Dominion Atlantic Ry. under Section 9.
57392. May 5—Authorizing removal station building at Findley, Ont. (C.N. Rys.)
57393. May 5—Approving plan showing station location at Christie, Man. (C.N. Rys.)
57394. May 5—Authorizing removal station shelter at Wellman, Ont. (C.N. Rys.)

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57395. May 5—Authorizing issuance of licence to Canada Airways, Limited, to transport passengers and/or goods by aircraft between Zeballos and other points in British Columbia.
- 57396. May 5—Authorizing reconstruction of bridge of Montreal & Southern Counties Ry. east of Richelieu River. (C.N. Rys.)
- 57397. May 5—Amending Order No. 57194, March 29, 1939, authorizing Dept. Roads, Province Quebec, to construct road diversion Route No. 6, Newport, Que. (C.N. Rys.)
- 57398. May 6—Approving plan showing location pipe lines for Shell Oil Company. (C.N. Rys.)
- 57399. May 6—Approving plan showing storage tank for McColl-Frontenac Oil Co. Neepawa, Man. (C.N. Rys.)
- 57400. May 6—Approving plan showing location storage tank McColl-Frontenac Oil Co. at Hanley, Sask. (C.N. Rys.)
- 57401. May 6—Authorizing extension of time for installation of protection at Mount Uniacke Station, Hants, N.S. (D.A. Ry.)
- 57402. May 6—Granting leave to remove station agent at Clarksville Station, N.S., and appoint caretaker. (D.A. Ry.)
- 57403. May 5—Authorizing construction of sidewalk on highway bridge at St. Romuald Station, Que. (C.N. Rys.)
- 57404. May 9—Approving Standard Airplane Freight Tariffs of The British Yukon Navigation Company.
- 57405. May 8—Granting leave for removal of station agent at Cambridge, N.S., and appoint a billing agent. (D.A. Ry.)
- 57406. May 8—Declaring Barton Street crossing, Hamilton, Ont., protected to Board's satisfaction. (T.H. & B.)
- 57407. May 8—Approving Standard Passenger Tariff No. 11, Canada Steamship Lines, Limited.
- 57408. May 8—Approving under Maritime Freight Rates Act tariffs and supplements filed under Section 9. Sydney & Louisburg Railway Company.
- 57409. May 8—Approving under Maritime Freight Rates Act tariffs and supplements filed by Dominion Atlantic Rly. under Section 9.
- 57410. May 8—Approving under Maritime Freight Rates Act tariffs and supplements filed by Dominion Atlantic Railway under Section 9.
- 57411. May 9—Approving under Maritime Freight Rates Act tariffs and supplements filed by the Dominion Atlantic Rly. under Section 9 to certain points in Nova Scotia.
- 57412. May 6—Authorizing the issuing of a licence to Northwest Steamships Ltd. to transport goods by water between Great Lakes and its connecting waters and St. Lawrence.
- 57413. May 6—Authorizing issuing of licence to Canada Steamship Lines, Ltd., to transport goods by water between Great Lakes and its connecting waters and St. Lawrence.
- 57414. May 6—Authorizing issuing of licence to North American Transports, Ltd. to transport goods by water between certain Ports on the Great Lakes and St. Lawrence and its connecting waters.
- 57415. May 6—Authorizing issuance of licence to Inland Lines, Ltd., to transport goods between certain ports on Great Lakes and St. Lawrence River and its connecting waters.
- 57416. May 6—Authorizing the issuing of a licence to McKellar Steamships Ltd. to transport goods by water between certain ports on Great Lakes, St. Lawrence River and its connecting waters.
- 57417. May 6—Authorizing the issuing of licence to Calvin Shipping Company, Ltd., to transport goods by water between Montreal and Toronto, and Hamilton, Ont.
- 57418. May 6—Authorizing the issuing of licence to Hall Corporation of Canada, to transport goods by water between ports on Great Lakes and St. Lawrence River and its connecting waters.
- 57419. May 9—Approving plan showing location unloading tank, etc., of British American Oil Co'y, Ltd., Vegreville, Alta. (C.N. Rys.)
- 57420. May 9—Refusing application Village of Rhein, Sask., to construct crossing on Main Street. (C.N. Rys.)
- 57421. May 9—Approving under the Maritime Freight Rates Act tariffs and supplements filed by Canadian National Railways under Section 3, from Matane to Priceville, Que.
- 57422. May 6—Authorizing the issuing of a licence to Canada Steamship Lines, Limited (Northern Navigation Company) to transport goods by water between Ports in Canada.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57423. May 6—Authorizing the issuing of a licence to Tree Line Navigation Company, to transport goods by water on Great Lakes and the St. Lawrence River and its connecting waters.
- 57424. May 8—Approving location storage tank, McColl-Frontenac Oil Company, Limited, Whitewood, Sask. (C.P.R.)
- 57425. May 8—Approving location unloading rack, etc., of Imperial Oil Company, Knox and Logan Streets, Winnipeg, Man. (C.P.R.)
- 57426. May 10—Authorizing construction, etc., sub-spur to serve British American Oil Refineries, Limited, Moose Jaw, Sask.
- 57427. May 10—Authorizing the issuing of a licence to Boston-Maine Airways, Limited, to transport passengers and/or goods between Montreal, Que., and certain points in United States.
- 57428. May 10—Authorizing the issuing of a licence to Pacific Alaska Airways, Limited, to transport passengers and/or goods between certain points Yukon and Alaska.
- 57429. May 11—Refusing application Dominion Atlantic Railway to remove station agent at Sheffield Mills Station, N.S.
- 57430. May 10—Approving resolutions Pacific Alaska, Inc., authorizing certain officials to prepare and issue freight and passenger tolls.
- 57431. May 12—Authorizing the issuing of a licence to Sarnia Steamships, Limited, and certain other Steamship Companies to transport goods by water between Great Lakes and the St. Lawrence River.
- 57432. May 11—Authorizing the discontinuance of service of watchmen on Tilsonburg Branch, Canadian National Railways, South Market Street, Brantford, Ontario.
- 57433. May 15—Authorizing cancellation Item 1379 Tariff C.T.C. E-4595, *re* rates on glue stock.
- 57434. May 15—Approving location freight and passenger shelter at Coronado, Alberta. (C.N. Rys.)
- 57435. May 15—Approving installation storage tank, etc., McColl-Frontenac Oil Company, Harte Subdivision, C.N. Rys., Portage la Prairie.
- 57436. May 15—Approving installation storage tanks, etc., British American Oil Company, Spruce Lake, Sask. (C.N. Rys.)
- 57437. May 15—Approving installation storage tank, etc., McColl-Frontenac Oil Co., Carman, Man. (C.N. Rys.)
- 57438. May 15—Approving under Maritime Freight Rates Act tariffs and supplements filed by C.P.R. under section 3.
- 57439. May. 15—Granting leave to C.P.R. to operate interlocking plant at Kettle Valley and C.N.P. Rys. at Hope B.C.
- 57440. May 16—Approving under Maritime Freight Rates Act tariffs and supplements filed by Dominion Atlantic Railway under Section 3.
- 57441. May 16—Approving under Maritime Freight Rates Act tariffs and supplements filed by Dominion Atlantic Railway under Section 3.
- 57442. May 15—Approving under Maritime Freight Rates Act tariffs and supplements filed by Canadian National Railways under Section 3.
- 57443. May 15—Approving under Maritime Freight Rates Act tariffs and supplements filed by Canadian National Railways under Section 3.
- 57444. May 16—Approving traffic agreement between Bell Telephone Company and the Capreol Telephone Co'y Limited.
- 57445. May 16—Approving traffic agreement between Bell Telephone Company and Arundel Development, Limited.
- 57446. May 16—Approving traffic agreement between Bell Telephone Company and the Sunderland Telephone Co. Limited.
- 57447. May 16—Declaring Boundary Street crossing south of Didsbury station, Alberta, protected to Board's satisfaction. (C.P.R.)
- 57448. May 16—Approving resolution St. Lawrence Steamships authorizing Treasurer of the company to prepare and issue tariffs of tolls.
- 57449. May 15—Amending Order 56757 of Nov. 4/38 *re* storage tank of British American Oil Co. Ltd., Blackfoot Sub. (C.N. Rys.)
- 57450. May 15—Amending Order 56659 of Nov. 10/38 *re* storage tank of British American Oil Company, Wainwright, Alta. (C.N. Rys.)
- 57451. May 16—Approving installation unloading stand, etc., Jupp Motor Sales, Limited, Huntsville, Ontario. (C.N. Rys.)
- 57452. May 16—Approving supplement to service station contract between Bell Telephone Company and the Melancthon Telephone Company, Limited.
- 57453. May 15—Authorizing construction of overhead crossing on Highway No. 17, Township Dryden, Ontario. (C.P.R.)
- 57454. May 16—Approving Standard Mileage Freight Tariff of St. Lawrence Steamships, Ltd., C.T.C. No. 1.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

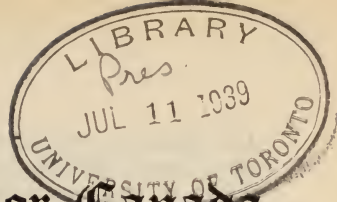
- 57455. May 17—Authorizing issuance of licence to Foote Transit Co., Ltd., for transportation of goods by water.
- 57456. May 17—Authorizing issuance of licence to St. Lawrence Steamships Ltd., for transportation of goods by water.
- 57457. May 16—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.P.R. under Sec. 9.
- 57458. May 17—Approving installation of unloading rack, etc., of Shell Oil Co. of Canada, Ltd., at Roberval, Que. (C.N. Rys.)
- 57459. May 13—Authorizing C.N. Rys. to construct spur for Aluminum Co. of Canada across road allowance between Cons. 2 and 3, Tp. Kingston, Ont.
- 57460. May 13—Amending Order 46500, Apl. 8, 1931, to permit T.H. & B. Ry. to operate over platform at Hamilton, Ont.
- 57461. May 13—Approving service station contract between Bell Telephone Co. and Rocktown Telephone Co., Ltd.
- 57462. May 13—Approving service station contract between Bell Telephone Co. and Grunwald Telephone Line.
- 57463. May 13—Relieving N.Y.C.R.R. (Michigan Central) from maintaining cattle guards at 9 crossings in Tp. Harwich, Ont.
- 57464. May 13—Approving service station contract between Bell Telephone Co. and Muskoka & Parry Sound Telephone Co., Ltd.
- 57465. May 13—Approving service station contract between Bell Telephone Co., and Ravenscliffe Telephone Co., Ltd.
- 57466. May 13—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.N. Rys. under Sec. 3.
- 57467. May 13—Declaring C.N. Rys. crossing just west of Ste. Rosalie Stn., Que., protected to Board's satisfaction.
- 57468. May 22—Authorizing C.N. Rys. to open road allowance across their tracks between Cons. 7 and 8, Tp. Essa, Ont.
- 57469. May 22—Approving under Maritime Freight Rates Act, tolls published in tariffs or supplements filed by C.P.R. under Sec. 9.
- 57470. May 22—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by D.A. Ry. under Sec. 9.
- 57471. May 22—Approving French text of form of contract restricting liability of telegraph and cable companies.
- 57472. May 22—Authorizing C.N. Rys. to reconstruct bridge at mileage 59.7 Cowichan Subd'n, B.C.
- 57473. May 22—Authorizing C.N. Rys. to remove station building at Fredericksburg, Ont.
- 57474. May 23—Recommending to Governor in Council for sanction agreement between C.P.R. and Napierville Junction Ry. *re* use of C.P.R. tracks between Delson Jet. and Windsor St. Station, Montreal, Que., by Napierville Junction Ry.
- 57475. May 23—Declaring C.N. Rys. crossing, first west of Komoka Station, Ont., protected to Board's satisfaction.
- 57476. May 23—Authorizing Alberta Dep't Public Works to construct highway crossing over C.P.R. in NW. ¼ Sec. 25-50-25 W4M., Alta.
- 57477. May 18—Authorizing issuance of licence to N. St. C. & T. Ry. for transportation of goods by water.
- 57478. May 23—Declaring C.N. Rys. crossing of William Street, London, Ont., protected to Board's satisfaction.
- 57479. May 23—Approving installation of unloading Standard, etc., of Canadian Oil Cos., Ltd., at Bathurst, N.B. (C.N. Rys.)
- 57480. May 22—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.N. Rys. under Sec. 3.
- 57481. May 22—Extending until June 20, 1939, time within which N.Y.C.R.R. may install bell and wigwag at crossing two miles south of Kanawaki, Que. (Primeau Crossing).
- 57482. May 22—Approving Standard Mileage Freight Tariff of Union Transit Co., Ltd., C.T.C. No. 1.
- 57483. May 22—Extending until Nov. 2, 1939, time within which C.P.R. may construct spur for Seaport Dock & Shipping Co., Ltd., at Vancouver, B.C.
- 57484. May 23—Authorizing issuance of licence to C.P.R. for transportation of goods by water.
- 57485. May 23—Authorizing Trans-Canada Air Lines etc., to adopt for carriage of goods, forms of contract approved by Order No. 56292.
- 57486. May 23—Authorizing C.P.R. to close to vehicular traffic the highway crossing at mileage 1.75 Keewatin Subdn, Ont.
- 57487. May 26—Approving Standard Freight Tariff of N. St. C. & T. Ry. (C.N. Rys. C.T.C. No. E-2983).
- 57488. May 25—Authorizing issuance of licence to Colonial Steamships, Ltd., for transportation of goods by water.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57489. May 26—Amending Order 53791, *re* C.N. Rys. subway at Bourdages and Laframboise Sts., St. Hyacinthe, Que., by directing that City of St. Hyacinthe erect permanent fences on each side of said streets after subway completed.
- 57490. May 25—Authorizing issuance of licence to Union Transit Co., Ltd., for transportation of goods by water.
- 57491. May 25—Authorizing issuance of licence to Upper Lakes and St. Lawrence Transp. Co., Ltd., for transportation of goods by water.
- 57492. May 25—Approving resolution of Detroit & Georgian Bay Nav. Co., Ltd., authorizing certain officials to issue tariffs of tolls.
- 57493. May 25—Authorizing issuance of licence to Blue Line Motorships, Ltd., for transportation of goods by water.
- 57494. May 25—Authorizing issuance of licence to Paterson Steamships, Ltd., for transportation of goods by water.
- 57495. May 25—Authorizing issuance of licence to Norris Steamship Ltd., for transportation of goods by water.
- 57496. May 25—Authorizing issuance of licence to Northland Steamship Co., Ltd., for transportation of goods by water.
- 57497. May 25—Authorizing issuance of licence to Abitibi Navigation Co., Ltd., for transportation of goods by water.
- 57498. May 25—Approving Supp. 1 to service station contract between Bell Telephone Co., and Rumney Settlement Tel. Co., Ltd.
- 57499. May 25—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by D.A. Ry. under Sec. 9.
- 57500. May 26—Approving resolution of Abitibi Nav. Co., Ltd., authorizing certain officials to prepare and issue tariffs of tolls.
- 57501. May 26—Approving Supp. 1 to agreement between Bell Telephone Co., and Marysburg Tel. Co.
- 57502. May 26—Authorizing issuance of licence to Reginald Arthur Carter for transportation of goods by water.
- 57503. May 27—Authorizing C.N. Rys. to cross Charlemagne Avenue, Jeanne d'Arc Ave., and Pie IX Boulevard, etc., Montreal, P.Q.
- 57504. May 26—Approving installation of unloading standard, etc., of Provincial Oils Limited at Port Hawkesbury, N.S. (C.N. Rys.).
- 57505. May 27—Approving installation of additional storage tanks, etc., at Yorkton, Sask. (C.N. Rys.)
- 57506. May 27—Approving installation of unloading rack, etc., of Canadian Oil Cos. Ltd., at Swift Current, Sask. (C.P.R.)
- 57507. May 26—Approving Standard Freight Distance Tariff C.T.C. No. 1 of Abitibi Nav. Co.
- 57508. May 27—Declaring T.H. & B. Ry. crossing between Lots 5 and 6, Rge. 1, Tp. Brantford, Ont., protected to Board's satisfaction.
- 57509. May 25—Refusing application of Quebec Central Ry. to remove station agent at St. Henedine Station, Que.
- 57510. May 25—Directing Quebec Central Ry. to maintain station agent at North Hatley, Que., from June 15 to Sept. 30, each year; a caretaker to be appointed for period Oct. 1 to June 14.
- 57511. May 26—Approving installation of unloading rack, etc., of McColl-Frontenac Oil Co., Ltd., at Luseland, Sask. (C.P.R.)
- 57512. May 27—Approving installation of unloading rack, etc., of McColl-Frontenac Oil Co., Ltd., at Dominion City, Man.
- 57513. May 27—Approving installation of unloading rack, etc., of Standard Oil Co. of B.C. at Ashcroft, B.C. (C.P.R.)
- 57514. May 27—Approving installation of unloading rack, etc., of Get Gas Ltd., at Little Current, Ont. (C.P.R.)
- 57515. May 27—Relieving N.Y.C.R.R. from maintaining cattle guards at 8 crossings in Tp. Tilbury, Ont.
- 57516. May 27—Relieving N.Y.C.R.R. from maintaining cattle guards at six crossings in Tp. Malahide, Ont.
- 57517. May 27—Relieving N.Y.C.R.R. from maintaining cattle guards at twelve crossings in Tp. Bertie, Ont.
- 57518. May 27—Relieving N.Y.C.R.R. from maintaining cattle guards at six crossings in Tp. Aldborough, Ont.
- 57519. May 27—Relieving N.Y.C.R.R. from maintaining cattle guards at five crossings in Tp. Orford, Ont.
- 57520. May 27—Relieving N.Y.C.R.R. from maintaining cattle guards at eight crossings in Tp. Yarmouth, Ont.
- 57521. May 27—Approving installation of unloading rack, etc., of Canadian Oil Cos. Ltd., at Malartic, Ont. (C.N. Rys.)
- 57522. May 29—Approving Arrow Airways Limited Standard Air Passenger Tariff C.T.C. No. 2 and Standard Air Goods Tariff C.T.C. No. 3.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Concluded*

- 57523. May 29—Authorizing issuance of licence to Burke Towing & Salvage Co., Ltd., for transportation of goods by water.
- 57524. May 29—Authorizing C.N. Rys. to construct cross-over track and re-arranged spur for British Columbia Fruit Shippers Limited across Price and College Streets, Vernon, B.C.
- 57525. May 29—Authorizing C.N. Rys. to construct extension of ballast pit spur across east and west road allowance between NE. $\frac{1}{4}$ of Sec. 17 and SE. $\frac{1}{4}$ of Sec. 20-22-29 W1M., Man.
- 57526. May 27—Approving location and details of C.P.R. Standard 4A station building at White Fox, Sask.
- 57527. May 29—Approving location of passenger shelter to be erected by C.N. Rys. at Glen Afton, Ont.
- 57528. May 26—Requiring T.H. & B. Ry. to demolish foot bridge at Sherman Avenue, Hamilton, Ont.
- 57529. May 30—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by D.A. Ry. under Sec. 9.
- 57530. May 29—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.N. Rys. under Sec. 3.
- 57531. June 1—Approving resolution adopted by Union Transit Co., Ltd., authorizing certain officials to prepare and issue tariffs of tolls.
- 57532. June 1—Approving clearance of loading platform of Tomlinson Construction Co. in Jellicoe Yard, Jellicoe, Ont. (C.N. Rys.)
- 57533. May 31—Approving changes and extensions to plant of Home Oil Distributors, Ltd., at Kamloops, B.C. (C.P.R.)
- 57534. May 31—Approving installation of additional storage tank of McColl-Frontenac Co., Ltd., at Dauphin, Man. (C.N. Rys.)
- 57535. May 31—Approving plan No. C-9322, in lieu of plan No. C-9185 *re* reconstruction of subway under C.N. Rys. at Coteau du Lac, Que.
- 57536. June 1—Declaring C.N. Rys. crossing, second west of Chambord, Que., protected to Board's satisfaction.



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Application of the Canadian National Railways for approval of plan showing the substitution of automatic wig-wag protection for the manually operated gates at King Street, Trenton, Ontario; and for a grant of 40 per cent of the cost of the work from the Railway Grade Crossing Fund.

File 22806.

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was heard at Trenton, Ontario, on June 7, 1939, in the presence of representatives of the applicant company and of the town of Trenton. There is a somewhat similar application by the applicant company in respect of the railway crossing at Dundas Street, in the town of Trenton, and both of these applications with the consent of all interested parties were heard together.

The applicant company's railway at Trenton runs in a northerly and southerly direction at the point where it crosses King Street. King Street runs approximately east and west and is the first street crossing the railway to the north of Dundas Street.

At the present time the crossing of King Street is protected by manually operated gates, under the provisions of Order No. 48417, dated April 8, 1932, as amended by Order No. 48718, dated June 7, 1932. By Order No. 48417, the applicant company was permitted to place a gateman at the said crossing on King Street between the hours of 8 a.m. and 6 p.m., daily, and the order required that all movements over the said crossing between the hours of 6 p.m. and 8 a.m. be flagged by a member of the train or engine crew. By Order No. 48718 the former order was amended by striking out all the words after the word "daily," in the fourth line of paragraph one, and substituting therefor the words, "except Sunday; Provided that all movements over the said crossing between the hours of 6 p.m. and 8 a.m. on week days, and 8 a.m. and 6 p.m. on Sundays, be flagged over by a member of the train or switching crew."

There is considerable highway traffic over the King Street crossing of the railway, but not nearly as heavy as that over the Dundas Street crossing immediately to the south of the King Street crossing. A traffic count was taken by the applicant company on Monday, June 5, between the hours of 8 a.m. and 6 p.m. This count showed that between the above-mentioned hours 882 vehicles, travelling both east and west, passed over the crossing and, during

the same period, there were 1,041 pedestrians. It is thought that probably a good many of the pedestrians passing over this crossing were school children going to and returning from school.

In regard to Dundas Street, it was contended by representatives of the town of Trenton that the traffic over the Dundas Street crossing was lighter on Monday than on any other day of the week, but this contention was not made in respect of the King Street crossing, and it is probable that the above count is fairly representative of the daily traffic over the King Street crossing on week days.

Since 1932 the crossing has been protected by manually operated gates in charge of an employee stationed in a tower at the crossing, and there is no record of any accident having occurred at this crossing since the gates were established. The train movements over the crossing are not heavy. On 5th June last, according to the traffic count filed with the Board, there was a total of 4 train movements going north and south, and of 27 switching movements over this crossing. Apparently there were no railway movements at all after 6.00 p.m. At the present time there is a slow order of ten miles an hour in respect of all train and switching movements over the crossing. It was stated by the applicant company that the application in respect of this crossing, as well as that in respect of the Dundas Street crossing, was made in the interest of economy. At the present time the company pays \$2,500 a year in wages, in respect of the protection afforded at King Street and Dundas Street. The company proposes that the gates at the King Street crossing be removed, and that double wig-wags be erected instead. The applicant company is prepared to bear the total cost of the installation of these wig-wags and to pay the whole cost of maintenance thereof, provided this application is granted, and provided that a contribution of 40 per cent of the cost of construction be made from the Railway Grade Crossing Fund.

The representatives of the Town of Trenton are apparently fully satisfied with the protection now afforded at the King Street crossing. The reasons given by the Town for its opposition to the application are, firstly, that the crossing is in a residential area and that wig-wags with bells would be a nuisance to the residents, and, secondly, that the crossing is in proximity to schools and a large number of school children cross and re-cross at this crossing daily.

The Board had an opportunity of viewing this crossing on the ground and of considering the situation as it actually appears. In my opinion, the public will be afforded ample protection by the erection of double wig-wags on the King Street crossing, and I think that the present gates may well be removed. All railway traffic passing over this crossing is subject to a slow order of ten miles per hour and, if this speed restriction be maintained, I consider the crossing will be amply protected.

The question of whether bells should be attached to the wig-wags is one upon which there is a difference of opinion. Some municipalities object to bells on account of the noise and disturbance which they create. I think that at this crossing it will be sufficient if what are known as pedestrian bells are attached to the wig-wags. They cause less noise in operation than the standard crossing bells. If, after a fair trial, the people of the Town of Trenton object to the use of pedestrian bells upon these wig-wags, a subsequent application may be made for their removal.

In my opinion, it will be proper for the Board to make a grant of 40 per cent of the actual cost of installation of the wig-wags and pedestrian bells at this crossing from the Railway Grade Crossing Fund.

An order will issue to provide for the substitution of double wig-wags with pedestrian bells at this crossing, and the applicant company will be permitted to remove the present gates and watchman. The speed limitation of ten miles an hour covering all train and switching movements should be maintained.

The Assistant Chief Commissioner and Commissioner Stoneman concurred.

June 19, 1939.

ORDER No. 57637

In the matter of the application of the Canadian National Railways for approval of plan No. SD. 3172, dated February 3, 1939, showing proposed installation of wigwag protection at the crossing of King Street, in the town of Trenton, province of Ontario, in lieu of the gates and gatemen presently maintained at the said crossing.

File No. 22806

WEDNESDAY, the 21st day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Trenton, June 7, 1939, in the presence of Counsel for the Railway Company and the town of Trenton, and what was alleged—

It is ordered:

1. That, within ninety days from the date of this Order, the Canadian National Railways install double wigwags, with pedestrian bells attached, in lieu of the present protection by gates and gatemen, at the said crossing of King street, in the town of Trenton, province of Ontario, as shown on the said plan on file with the Board under file No. 22806, and in accordance with the Standard Specifications for Highway Crossing Signals approved under General Order No. 468, dated March 12, 1929, as amended by General Orders Nos. 521 and 553, dated respectively November 2, 1933, and March 26, 1936.

2. That all train and switching movements over the said crossing be limited to a rate of speed not exceeding ten miles an hour.

3. That forty per cent of the cost of installing the said wigwags and pedestrian bells, not exceeding, however, the sum of \$775, be paid out of the Railway Grade Crossing Fund; and that the remainder of such cost, as well as the cost of maintenance, be borne and paid by the Canadian National Railways.

4. That Orders numbered 47597, dated October 30th, 1931; 48417, dated April 8, 1932; and 48718, dated June 7, 1932, be rescinded.

H. GUTHRIE,
Chief Commissioner.

Application of the Canadian National Railways for approval of plan showing the substitution of automatic wig-wag protection for watchmen, at Dundas street, Trenton, Ontario; and for a grant of 40 per cent of the cost of the work from the Railway Grade Crossing Fund.

(File 9437.1026)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was heard at Trenton, Ontario, on 7th June, 1939, in the presence of representatives of the applicant company and of the Town of Trenton. There is a somewhat similar application by the applicant company in respect of the railway crossing at King street, in the Town of Trenton, and both of these applications with the consent of all interested parties were heard together.

The applicant company's line of railway at Trenton runs in a northerly and southerly direction. Dundas street runs approximately east and west at the point where it crosses the railway, which is about 100 feet north of Trenton station. At the point of crossing, there are three tracks now in existence, but the applicant company proposes to abandon the two most westerly tracks and continue operations on a single track on the easterly side of the right of way.

Dundas street forms part of Ontario Provincial Highway No. 2, and the highway traffic is considerable. A traffic count was taken by the applicant company on Monday, 5th June, between the hours of 8 a.m. and 6 p.m. This count showed a total vehicular traffic of 3,225, and pedestrian traffic of 1,520. Representatives of the Town of Trenton pointed out that this count was taken on a Monday and that the traffic on Mondays is probably the lightest of any day in the week. It was stated that the traffic on other days of the week, particularly on Saturday and Sunday, is two or three times as heavy as it is on Monday. There can be no doubt that the highway traffic at this crossing is very heavy.

At the present time the crossing is protected by a watchman, under the provisions of Order No. 48470, dated April 20, 1932. This Order provides that the applicant company place a watchman at the crossing of Dundas street between the hours of 8 a.m. and 6 p.m., daily, except Sundays; and, also, that any movements made over the crossing during the hours when there is no watchman be flagged by the engine or train crew. This watchman is located at the crossing during the above hours and warns travellers upon the highway of approaching trains by means of a STOP sign which he carries in his hand.

The train movements at the crossing are not heavy. On 5th June last, there were two trains going north, and one train going south. On the same day there were 15 switching movements going north, and three going south. Apparently, there were no railway movements whatever after 6 p.m.

This line of the applicant company's railway runs to Maynooth. There is a mixed train from Trenton to Maynooth on Monday, Wednesday and Friday, and a return movement from Maynooth on Tuesday, Thursday and Saturday. These are the only regular train movements over this line. The others are all switching movements. There is a ten mile per hour speed limit in effect on all trains passing over this crossing. The applicant company also proposes to bring all train movements to a stop at the station, 100 feet south of the crossing, and to continue to flag all switching movements over the crossing.

It was stated that the object of the applicant company in making this application was one of economy. At the present time the company pays \$2,500 a year in wages, in respect of the protection afforded at Dundas street and King street. It is estimated by the company that the cost of installation of double wig-wags at these streets will be \$3,600 and the applicant company is prepared to bear the total expense of the installation of these wig-wags, and to pay the whole cost of maintenance thereof, provided this application is granted,

and provided that a contribution of 40 per cent of the cost of construction be made from the Railway Grade Crossing Fund.

The representatives of the Town of Trenton are, apparently, fully satisfied with the present protection afforded at both of these streets, and they state that no accident has occurred at either street since this protection was instituted. The reasons given by the Town of Trenton for its opposition to the application are, firstly, that both crossings are in residential areas and wig-wags with bells would be a nuisance to the residents; secondly, that both crossings are in proximity of schools and a large number of school children cross and re-cross at these crossings daily; and thirdly, that Dundas street on the westerly side of the railway crossing is on a curve and that a wig-wag at this crossing cannot be seen by an eastbound motor-car upon the highway until it is very close to the crossing.

The Board had an opportunity of viewing both these crossings on the ground and of considering the situation as it actually appears. In my opinion, better protection to the public will be afforded by the erection of double wig-wags at the Dundas street crossing than is now afforded by the flagman stationed there at present. The situation at Dundas street will also be improved by the removal of the two westerly tracks, which will take place if the wig-wags are established. There will also be the provision that all railway traffic over the crossing is to come to a stop 100 feet from the southerly side of the crossing, and that the ten mile per hour speed limit is to be maintained in respect of all train and switching movements over the crossing.

The question of whether bells should be attached to the wig-wags is one upon which there is a difference of opinion. Some municipalities object to the bells on account of the noise and disturbance which they create. I do not think that ordinary crossing bells need be placed at these crossings, as the people of the Town of Trenton apparently object, but I feel that better protection than now exists at the Dundas street crossing will be afforded by the establishment of double wig-wags with pedestrian bells attached, operated the full 24 hours each day. Provision should be made in the Order for the removal of the two westerly tracks, as indicated on the plan filed with the Board. Provision should also be made for stopping all railway traffic at 100 feet from the southerly side of the crossing, and for the maintenance of the speed limitation of ten miles an hour on all train and switching movements over the crossing. In my opinion, it will be proper for the Board to make a grant of 40 per cent of the actual cost of installation of the wig-wags and pedestrian bells at this crossing from the Railway Grade Crossing Fund. If, after a fair trial of the pedestrian bells attached to these wig-wags, the people of Trenton still object to the operation of the bells, a subsequent application for their removal may be made to the Board.

An Order will issue to carry out the various matters above enumerated.

The Assistant Chief Commissioner and Commissioner Stoneman concurred.

June 19, 1939.

ORDER No. 57638

In the matter of the application of the Canadian National Railways for approval of plan No. SD. 3172, dated February 3, 1939, showing installation of wigwag protection at the crossing of Dundas street, in the town of Trenton, province of Ontario, in lieu of the watchmen maintained at the said crossing under Order of the Board No. 48470, dated April, 20, 1932.

File No. 9437.1026

WEDNESDAY, the 21st day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Trenton, Ontario, June 7, 1939, in the presence of counsel for the railway company and the town of Trenton, and what was alleged—

It is ordered:

1. That, within ninety days from the date of this Order, the Canadian National Railways install double wigwags, with pedestrian bells attached, in lieu of the present protection by watchmen, at the said crossing of Dundas street, Trenton, Ontario, as shown on the said plan on file with the board under file No. 9437.1026, and in accordance with the Standard Specifications for Highway Crossing Signals, approved under General Order No. 468, dated March 12, 1929, as amended by General Orders Nos. 521 and 553, dated respectively November 2, 1933, and March 26, 1936.

2. That the two tracks on the west side of the crossing be removed as indicated on the said plan filed.

3. That all railway traffic come to a stop 100 feet from the southerly side of the crossing before proceeding across; and that all train and switching movements over the crossing be limited to a rate of speed not exceeding ten miles an hour.

4. That forty per cent of the cost of installing the said wigwags and pedestrian bells, not exceeding, however, the sum of \$775, be paid out of the Railway Grade Crossing Fund, and that the remainder of such cost, as well as the cost of maintenance be borne and paid by the Canadian National Railways.

5. That Orders numbered 33361, 36786 and 48470, dated respectively February 2, 1923, September 3, 1925, and April 20, 1932, made herein, be, and they are hereby, rescinded.

H. GUTHRIE,
Chief Commissioner.

Consideration of the question of the protection to be provided at the first public crossing west of Burketon Station, Ontario, at mileage 54.41, Peterboro Subdivision, Canadian Pacific Railway; and the allocation of the cost thereof. File 9437.263

JUDGMENT

GUTHRIE, *Chief Commissioner.*

This question was considered at a sitting of the Board held in Toronto, on 9th June, 1939, in the presence of counsel for the Canadian Pacific Railway Company. The United Counties of Northumberland and Durham were not represented by counsel, but they submitted a written statement accompanied by affidavits setting forth their attitude in respect of the matter under discussion.

The railway crossing in question is upon a County Highway of the United Counties, at Burketon Station, in the Township of Cartwright, where the Canadian Pacific Railway crosses the said highway. A fatal accident occurred at this crossing on 12th July, 1938, and at the inquest the Coroner's Jury recommended the installation of a wig-wag at the crossing, as the line of vision at the southwest corner of the crossing is obstructed by buildings.

A traffic count taken on 2nd June last, and submitted by the United Counties, discloses that the highway traffic at this point is not very heavy and, according to the evidence submitted by affidavit, is likely to decrease in the future by reason of the construction of another highway, No. 7-A, by the Ontario Government, which will likely divert a fair proportion of the present traffic. The traffic count referred to shows that between the hours of 6.00 a.m., June 2, and 6.00 a.m., June 3, 315 motor-cars and 3 horse-drawn vehicles passed over the crossing. These included both north and southbound traffic. The railway traffic over the crossing is not heavy, and it is said that the railway traffic at this crossing has decreased in recent years and is likely to decrease in the future. On week days there are 3 passenger trains over the crossing and one way-freight, each way, making a total of 4 trains, each way, per day. On Sundays there are two passenger trains and no freight trains.

The United Counties in the written submission made by their solicitor allege that the railway crossing at Burketon is not a dangerous crossing, and that the amount of traffic on the county road does not justify the installation of a bell and wig-wag. They also submit that the installation of illuminating signs on each side of the crossing at Burketon will provide adequate protection to the travelling public.

Under all the circumstances, I consider that reflector button signs erected upon each side of this crossing will afford all reasonable crossing protection and this, apparently, is the view both of the United Counties and of the railway company. In the submission filed, which is signed by the Chief Engineer of the United Counties, the United Counties will be prepared to bear the whole cost of these signs. An Order should, therefore, be made for the erection of reflector button signs upon each side of the crossing, at the expense of the United Counties of Northumberland and Durham both as to construction and maintenance. The type and location of such reflector button signs to be approved by the Chief Engineer of the Board. The work should be commenced without delay and should be completed within sixty days from the date of the Order.

The Assistant Chief Commissioner and Commissioner Stoneman concurred.

June 19, 1939.

ORDER No. 57628

In the matter of the accident on July 12, 1938, at the crossing of the highway by the Canadian Pacific Railway, being the first public crossing west of Burketon Station, in the province of Ontario, mileage 54.41 Peterboro Subdivision; and the consideration of the question of the protection to be provided at the said crossing.

File No. 9437.263

TUESDAY, the 20th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Toronto, June 9, 1939, in the presence of Counsel for the Railway Company, and what was alleged; and upon reading the written submissions filed on behalf of the United Counties of Northumberland and Durham—

It is ordered:

1. That, within sixty days from the date of this Order, reflector button signs be erected on each side of the crossing of the Canadian Pacific Railway west of Burketon Station, in the province of Ontario, mileage 54.41 Peterboro Subdivision; detail plans to be filed for the approval of an Engineer of the Board.

2. That the cost of erecting and maintaining the said reflector signs be borne and paid by the United Counties of Northumberland and Durham.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57555

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Sioux Lookout and Casummit Lake and intermediate points, in the Province of Ontario.

File No. 42007.4.6

MONDAY, the 5th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Sioux Lookout and/or Hudson, Goldpines, Jackson-Manion, Swain Post, Casummit Lake, Birch Lake, Uchi Lake, in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a weekly scheduled service by aircraft approved and operated over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 19 be issued for the period of one year from the date of this order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57552

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Ilford, Manitoba, and Sachigo, Ontario, and intermediate points.

File No. 42007.4.10

TUESDAY, the 6th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Ilford, Oxford House, Knee Lake, Gods Lake, Cross Lake, Norway House, Island Lake, Province of Manitoba; Sachigo, Province of Ontario,

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly: Between Ilford, Gods Lake, Sachigo; between Ilford, Gods Lake, Norway House.

Monthly calls at Oxford House, Knee Lake, Cross Lake, Island Lake, by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 20 be issued for the period of one year from the date of this order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57565

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 6th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 37 to Tariff C.T.C. No. E.2047.
Supplement No. 18 to Tariff C.T.C. No. E.2311.
Supplement No. 48 to Tariff C.T.C. No. E.2444.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57566

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg and Gods Lake, Manitoba, and intermediate points.

File No. 42007.4.13

WEDNESDAY, the 7th day of June, A.D., 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Winnipeg and/or Lac du Bonnet, Berens River, Norway House, and Gods Lake, in the Province of Manitoba; Sachigo, in the Province of Ontario; Island Lake, in the Province of Manitoba; Sandy Lake, Northwind Lake, and South Trout Lake, in the Province of Ontario; and Little Grand Rapids in the Province of Manitoba;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And Whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And Whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly: Between Winnipeg and/or Lac du Bonnet, Berens River, Norway House, Gods Lake, Sachigo, Northwind Lake, and South Trout Lake;

Monthly calls at: Island Lake, Sandy Lake, and Little Grand Rapids; by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 26 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57567

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Kenora and Straw Lake, Ontario, and intermediate points.

File No. 42007.4.9

WEDNESDAY, the 7th day of June, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Kenora, Witch Bay, Whitefish Bay, Straw Lake, Rowan Lake, Populus Lake, in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a monthly scheduled service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 23 be issued for the period of one year from the date of this order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU
Deputy Chief Commissioner.

ORDER No. 57568

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg and Bissett, Manitoba, and intermediate points.

File No. 42007.4.12

WEDNESDAY, the 7th day of June, A.D., 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Winnipeg and/or Lac du Bonnet, Diana, Beresford Lake, Wadhope, Wallace Lake, Bissett, in the Province of Manitoba;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And Whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And Whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly: Between Winnipeg and/or Lac du Bonnet, Beresford Lake, Bissett;

Monthly calls at: Diana, Wadhope, Wallace Lake;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 25 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57569

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Sioux Lookout and Red Lake, Ontario, and intermediate points.

File No. 42007.4.7

WEDNESDAY, the 7th day of June, A.D., 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Sioux Lookout and/or Hudson, Goldpines, Flat Lake, Cole, Golden Arm, Mackenzie Island, Red Lake, in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And Whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And Whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly: Between Sioux Lookout and/or Hudson, Goldpines, Mackenzie Island, Red Lake, Ontario;

Monthly calls at: Flat Lake, Cole, Golden Arm, Ontario;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 21 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57570

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Kenora and Red Lake, Ontario, and intermediate points.

File No. 42007.4.8

WEDNESDAY, the 7th day of June, A.D., 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Kenora, Minaki, Mackenzie Island, Golden Arm, Cole, Flat Lake, Red Lake, in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And Whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And Whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly: Between Kenora, Red Lake, Mackenzie Island, Ontario;

Monthly calls at: Minaki, Golden Arm, Cole, Flat Lake, Ontario;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 22 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57571

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Edmonton, Alberta, and Coppermine, Northwest Territories, and intermediate points.

File No. 42007.4.16

WEDNESDAY, the 7th day of June, A.D., 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Edmonton, Lac la Biche, S. Wabiskaw Lake, N. Wabiskaw Lake, Waterways, McMurray, Embarras Portage, Chipewyan, in the Province of Alberta; Goldfields, in the Province of Saskatchewan; Fitzgerald, in the Province of Alberta; Fort Smith, Resolution, Outpost Island, Yellowknife, Gordon Lake, Rae, Cameron Bay (Port Radium), Coppermine, in the Northwest Territories;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And Whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And Whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly, between: Edmonton, Waterways, McMurray, Chipewyan, Goldfields, Fort Smith, Resolution, Yellowknife;

Monthly calls at: Lac la Biche, S. Wabiskaw Lake, N. Wabiskaw Lake, Embarras Portage, Fitzgerald, Outpost Island, Gordon Lake, Rae, Cameron Bay;

Four trips per year during operating seasons to: Coppermine;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 28 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57572

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Edmonton, Alberta, and Aklavik, Northwest Territories, and intermediate points.

File No. 42007.4.15

WEDNESDAY, the 7th day of June, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Edmonton, Lac la Biche, McMurray, Chipewyan, Fitzgerald, in the Province of Alberta; Fort Smith, Resolution, Hay River, Providence, Simpson, Liard, in the Northwest Territories; Nelson Forks, Fort Nelson, in the Province of British Columbia; Wrigley, Norman, Good Hope, Arctic Red River, McPherson, Aklavik, in the Northwest Territories;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly: Between Edmonton, Lac la Biche, McMurray, Chipewyan, Fitzgerald, Fort Smith, Resolution;

Monthly during operating seasons to Hay River, Providence, Simpson, Wrigley, Norman;

Six trips per year to Good Hope, Arctic Red River, McPherson, Aklavik;

Four trips per year to Liard, Nelson Forks, Fort Nelson;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938), by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 27 be issued for the period of one year from the date of this order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57573

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg, Manitoba, and Red Lake, Ontario, and intermediate points.

File No. 42007.4.11

WEDNESDAY, the 7th day of June, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Winnipeg and/or Lac du Bonnet, Beresford Lake, in the Province of Manitoba; Red Lake, Flat Lake, Cole, Golden Arm, Mackenzie Island, in the Province of Ontario,

which points and places are specifically named by the Governor in Council under Order in Council P.C. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly: Between Winnipeg and/or Lac du Bonnet, Beresford Lake, Red Lake, Mackenzie Island.

Monthly calls at Cole, Golden Arm, Flat Lake,

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938), by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 24 be issued for the period of one year from the date of this order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57585

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

WEDNESDAY, the 7th day of June, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 781, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the said Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 781, approved herein, is—

<i>Cents per 100 pounds</i>	
<i>Billed</i>	<i>Normal</i>
5	6½

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57586

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 7th day of June, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1102, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1102, approved herein, are as follows:—

Item Nos.		Cents per 100 pounds	
70, 75, 80, 85..		The rates named in Section 4 of Tariff, with the exception that, for a distance of 125 miles under column "M," the rate will be 13 cents.	
95	To Middleton, N.S..	5½	
	Bridgetown, N.S..	6	
	Yarmouth, N.S..	4½	
105	To Middleton, N.S..	10½	
	Bridgetown, N.S..	10½	
	Yarmouth, N.S..	14½	
110	To Middleton, N.S..	11	
	Bridgetown, N.S..	12	
	Yarmouth, N.S..	15½	
115	To Middleton, N.S..	7½	
	Bridgetown, N.S..	8½	
	Yarmouth, N.S..	10½	
120	To Middleton, N.S..	7	
	Bridgetown, N.S..	7	
	Yarmouth, N.S..	10	
125		9	
130	To Middleton, N.S..	14½	
	Bridgetown, N.S..	14½	
	Yarmouth, N.S..	17½	
	Truro, N.S..	11½	
135		12	
140		14	
145		5	
150		4	
155		3	
160	To	A	B
	Bridgetown, N.S..	11½	12½
	Annapolis, N.S..	12	13½
	Weymouth, N.S..	14	15
	Meteghan, N.S..	14½	16
	Yarmouth, N.S..	15	16½
165		9	
170	To Halifax, N.S..	21½	
	Truro, N.S. "Local"	23	
	Truro, N.S. "Futherance"	17½	
175		6	
180	To Halifax, N.S..	21½	
	Truro, N.S..	23	
	Kentville, N.S..	16	
185		5	

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57580

In the matter of Calvin Shipping Company Limited tariff C.T.C. 12 effective June 12, 1939, publishing rates on Dried Fruits, Canned Goods and Nuts from Montreal, Que. (Import), to Toronto and Hamilton, Ontario.

File No. 42202

THURSDAY, the 8th day of June, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas Calvin Shipping Company Limited tariff C.T.C. 12 published to be effective June 12, 1939, is shown to be issued "To meet competition" and no evidence of competition has been submitted in justification thereof—

It is ordered: That the said tariff be and it is hereby suspended until complete proof of competition has been submitted and until further order of the Board.

F. NAP. GARCEAU
Deputy Chief Commissioner.

ORDER No. 57582

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 9th day of June, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 112 of supplement No. 15 to tariff C.T.C. No. 1066, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 112 of supplement No. 15 to tariff C.T.C. No. 1063, approved herein, is 6½ cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57592

In the matter of the application of the Canadian Marconi Company, under Section 348 of the Railway Act, for approval of the French text of the form of contract restricting the Company's liability in connection with the transmission of telegraph and cable messages, which form is to be used by the Company within the limits of the Province of Quebec.

File No. 13622.5

SATURDAY, the 10th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the English text of the said contract form was approved by the Order of the Board No. 30063, dated September 3, 1920, as amended by Orders numbered 42200 and 42473, dated respectively February 15, 1929, and April 13, 1929;

And whereas the revised French text of such form of contract submitted by the Canadian Marconi Company conforms with the conditions approved by the said Orders of the Board—

Therefore it is ordered: That the French text of the form of contract, attached hereto marked "A," restricting the Canadian Marconi Company's liability in connection with the transmission of telegraph and cable messages, which form is to be used by the Company within the limits of the Province of Quebec, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57594

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 13th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 28 to Tariff C.T.C. No. E.1256.

Supplement 30 to Tariff C.T.C. No. E.2526.

Supplement 1 to Tariff C.T.C. No. E.2924.

Supplement 8 to Tariff C.T.C. No. E.2925.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57599

In the matter of the application of the Georgian Bay Tourist Company of Midland, Limited, under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by the Board of Directors of the Company on June 1, 1939, authorizing the Secretary-Treasurer of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42081.22

WEDNESDAY, the 14th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the Georgian Bay Tourist Company of Midland, Limited, adopted June 1, 1939, authorizing the Secretary-Treasurer of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42081.22, be, and it is hereby approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57600

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 14th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in items 75, 2995A, and 3900B of Supplement No. 10 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 75, 2995A, and 3900B of Supplement No. 10 to Tariff C.T.C. No. E.4878, approved herein, are as follows:—

Item Nos.		Cents per 100 pounds		
75			15½	
2995A	From	40,000	60,000 lbs.	
	Hewitt, N.B.	6		
	Moore's Mills, N.B., to Saint John, N.B.		6	
	Moore's Mills, N.B., to West Saint John, N.B.		6	
3900B		40,000	60,000	80,000
	From St. John, N.B., to Belleville, Ont. . .	35½	34	31½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57601

In the matter of the application of the United Air Lines Transport Corporation, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors on June 6, 1939, authorizing the Traffic Manager of the Corporation and the Secretary of the Corporation, or either of them, to prepare tariffs of the tolls to be charged for goods and passengers transported in aircraft owned or operated by the Corporation, and to submit the same to and file the same with the Board.

File No. 42057.8

WEDNESDAY, the 14th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the United Air Lines Transport Corporation, adopted June 6, 1939, authorizing the Traffic Manager and the Secretary of the Corporation, or either of them, to prepare tariffs of the tolls to be charged for goods and passengers transported in aircraft owned or operated by the Corporation, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.8, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57605

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 15th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the toll published in item 57 of supplement No. 21 to tariff C.T.C. No. 986 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the said company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 57 of supplement No. 21 to tariff C.T.C. No. 986 approved herein, is:—

	Cents per 100 pounds	Normal
Billed		
15.2.		19

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57620

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

MONDAY, the 19th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in item 110-M of Supplement No. 18 to Tariff C.T.C. No. E.4316, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 110-M of Supplement No. 18 to Tariff C.T.C. No. E-4316, approved herein, are as follows:—

Item 110-M	Cents per 100 pounds
From Edmundston, N.B., to Montreal, Que.	22
" " " Trois Rivières, Que.	26
St. Leonard, N.B. to Montreal, Que.	23
" " " Trois Rivières, Que.	27
St. Stephen, N.B. to Cap de la Madeleine, Que.	27
" " " Trois Rivières, Que.	

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57621

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

MONDAY, the 19th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

The Board orders:

1. That the toll published in item 449-B of Supplement No. 45 to Tariff C.T.C. No. 1006, from Middleton, Nova Scotia, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 449-B of Supplement No. 45 to Tariff C.T.C. No. 1006, from Middleton, Nova Scotia, approved herein, is 8 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57622

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 19th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

1. *The Board orders:* That the tolls published in the following tariffs, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act, namely:—

Supplement 17 to Tariff C.T.C. No. E.1248	
“ 49 “ “ E.1906	
“ 59 “ “ E.1911	
“ 38 “ “ E.2047	
“ 31 “ “ E.2526	
“ 9 “ “ E.2925	
“ 1 “ “ E.2973	
Tariff C.T.C. No. E.3013	
Tariff C.T.C. No. E.3016	

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57624

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 21st day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the toll published to Wolfville, N.S., in item 296A of Supplement No. 30 to tariff C.T.C. No. E. 2526 filed by the Canadian National Railways under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act, the Dominion Atlantic Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 296A of supplement No. 30 to tariff C.T.C. No. E. 2526 to Wolfville, N.S., approved herein, is

	Cents per 100 pounds
Billed	3½
Normal	4

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57625

In the matter of the application of Wings Limited, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors on June 3, 1939 authorizing the President, General Manager, Traffic Manager, and Secretary, or any one of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.11

WEDNESDAY, the 21st day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of Wings Limited, adopted June 3, 1939, authorizing the President, General Manager, Traffic Manager, and Secretary, or any one of them, to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the company, and to submit the same to and file the same with the Board, on file with the Board under file No 42057.11, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57633

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for permission to cancel on less than statutory notice pick-up and delivery service at Malton, Ontario.

File No. 27612.201

THURSDAY, the 22nd day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon its appearing that the Applicants are unable to arrange with carters at Malton, Ontario, for pick-up and delivery of less-than-carload traffic;

It is ordered: That the Applicants be, and they are hereby, permitted to file an amendment to their tariff C.T.C. No. E-2604 upon one day's notice, cancelling Malton, Ontario, as a station at which pick-up and/or delivery service will be performed.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57634

In the matter of Application No. 2, under the provisions of Part V of The Transport Act, 1938, for approval of an agreement between the Canadian National Railways, the Canadian Pacific Railway Company, the Canadian Pacific Express Company, and the Manitoba Co-operative Poultry Marketing Association, Limited, regarding agreed charges on eggs, l.c.l., from Manitoba and Saskatchewan points to Winnipeg, Manitoba, the said agreement being on file with the Board under file No. 40994.2.

THURSDAY, the 22nd day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon its appearing that the regulations prescribed by the General Order of the Board No. 581, dated January 21, 1939, have been complied with, and that there is no objection on file with the Board from any party with respect to the said agreement—

It is ordered: That the said agreement be, and it is hereby, approved for a period of one year from July 1, 1939.

H. GUTHRIE,
Chief Commissioner.

P.C. 1451

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 15th day of June, 1939.

PRESENT

THE DEPUTY OF HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1 (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas the Minister of Transport reports that, under date the 18th of May, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to the air services between the undermentioned points and places, designated for identification purposes by the route numbers shown, and recommends that said points and places be named by the Governor in Council under the provisions of Section 15 (1) (b), namely, as follows:—

<i>Route Number</i>	<i>Points and Places</i>
C. 38	Sioux Lookout, Doghole Bay, Pickle Lake, in the Province of Ontario;
C. 39	Sioux Lookout, Lost Bay, Uchi, Woman Lake, Red Lake, in the Province of Ontario;
C. 40	Winnipeg, Lac du Bonnet, in the Province of Manitoba, Cole, Golden Arm, Madsen, McKenzie Island, Red Lake, in the Province of Ontario;
C. 41	Winnipeg, Lac du Bonnet, in the Province of Manitoba, Setting Net Lake, Northwind Lake, South Trout Lake, Sandy Lake, in the Province of Ontario;
C. 42	Winnipeg, Lac du Bonnet, Bird River, Bird Lake, Maskwa, Diana, Wadhope, Beresford Lake, Halfway Lake, Wallace Lake, Bissett, in the Province of Manitoba,

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above-named points and places as recommended by The Board of Transport Commissioners for Canada.

E. J. LEMAIRE,
Clerk of the Privy Council.

P.C. 1452

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 15th day of June, 1939.

PRESENT

THE DEPUTY OF HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1 (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas the Minister of Transport reports that, under date the 16th of May, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to the air services between the undermentioned points and places, designated for identification purposes by the route numbers shown, and recommends that said points and places be named by the Governor in Council under the provisions of Section 15 (1) (b), namely, as follows:—

*Route Number**Points and Places*

- | | |
|-------|---|
| C. 36 | Peace River, Keg River, Carcajou, Fort Vermilion, Red River, in the Province of Alberta, Fort Smith, Yellowknife, in the Northwest Territories; |
| C. 37 | Goldfields, in the Province of Saskatchewan, Yellowknife, in the Northwest Territories, |

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above-named points and places as recommended by The Board of Transport Commissioners for Canada.

E. J. LEMAIRE,
Clerk of the Privy Council.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT,
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,
MAY, 1939

Railway Accidents.. . . . 96 with 16 killed and 98 injured.
Railway Accidents at Highway Crossings.. . . 10 with 4 killed and 10 injured.

	<i>Killed</i>	<i>Injured</i>
Passengers.. . . .	—	18
Employees.. . . .	5	59
Others.. . . .	15	31
	<hr/> 20	<hr/> 108

Accidents. K. I.

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

QUEBEC

- 1 - 1 Automobile—Auto driver failed to stop for crossing and was struck by train. Licence, Que. 169-537.
1 4 - Auto Truck—Truck driver failed to stop for crossing; ran into side of train. Licence, Que. F-15931.

ONTARIO

- 1 - 1 Automobile—Auto driver failed to heed bell and wigwag signals; stalled car on track, and was struck by train. Licence, Ont. 225-R-5.
1 - 1 Auto Truck—Truck driver failed to heed bell and wigwag signals; drove on to crossing in front of approaching train and was struck. Licence, Ont. 77389-C.
1 - 1 Automobile—Automobile stalled on crossing and was struck by train. Licence, Ont. 14-U-59.
1 - 1 Auto Bus —Auto street railway bus ran into side of engine. Licence, Ont. 1030-C.
1 - 1 Automobile—Automobile ran into front corner of light engine. Licence, Ont. 3-N-617.
1 - 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 23-L-62.

MANITOBA

- 1 - 2 Auto Truck—Auto truck ran into side of train. Licence, Man. CT-639.
1 - 1 Bicycle —Boy on bicycle struck by train.
Of the 10 accidents at highway crossings, 8 occurred at unprotected crossings, and 2 at protected crossings.
Six of the accidents occurred after sunrise, and 4 occurred after sunset.

June 14, 1939.

The Board of

Transport Commissioners for Canada

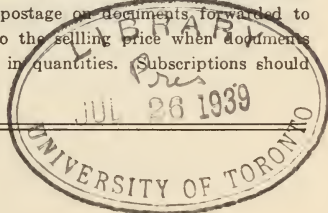
Judgments, Orders, Regulations, and Rulings

Vol. XXIX

Ottawa, July 15, 1939

No. 8

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ORDER No. 57634

In the matter of Application No. 2, under the provisions of Part V, of The Transport Act, 1938, for approval of an agreement between the Canadian National Railways, the Canadian Pacific Railway Company, the Canadian Pacific Express Company, and the Manitoba Co-Operative Poultry Marketing Association, Limited, regarding agreed charges on eggs, l.c.l., from Manitoba and Saskatchewan points to Winnipeg, Manitoba, the said agreement being on file with the Board under file No. 40994.2.

THURSDAY, the 22nd day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon its appearing that the regulations prescribed by the General Order of the Board No. 581, dated January 21, 1939, have been complied with, and that there is no objection on file with the Board from any party with respect to the said agreement—

It is ordered: That the said agreement be, and it is hereby, approved for a period of one year from July 1, 1939.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57647

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 23rd day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the toll published in tariff C.T.C. No. 1106 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said tariff C.T.C. No. 1106 approved herein, is 22 cents per 100 pounds.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57648

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

FRIDAY, the 23rd day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the toll published in tariff C.T.C. No. 782 filed by the Temiscouata Railway Company under Section 9 of The Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said tariff C.T.C. No. 782 approved herein, is 75 cents per net ton of 2,000 pounds.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57649

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 23rd day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.**The Board orders:*

1. That the tolls published in item 387 of supplement No. 46 to tariff C.T.C. No. 1006 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 387 of supplement No. 46 to tariff C.T.C. No. 1006 approved herein, will be the 7th class rates covered by previous order or orders.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57651

In the matter of the complaint of the Chisholm Saw Mills, Limited, of Edmonton, Alberta, concerning rates on lumber from British Columbia points to Bowmanville, Ontario.

File No. 26901.79

SATURDAY, the 24th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon reading the submissions filed by the Complainants, the Canadian Pacific Railway Company, and the Canadian National Railways—

It is ordered:

1. That Canadian Freight Association (Western Lines) Tariff C.T.C. No. 36 be amended to provide that the destination group taking the same rates as Toronto include the same points as take Toronto rate under Rate Basis No. 1 in Canadian Freight Association (Western Lines) Tariff C.T.C. No. 101, subject to the further provisions that no rates now published in Tariff C.T.C. No. 36 be increased under this Order.

2. That rates in accordance herewith be made effective by the railway companies within thirty (30) days from the date of this Order.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57654

In the matter of the application of Arrow Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between The Pas, Flin Flon, Province of Manitoba, and intermediate points thereto.

File No. 42007.6

SATURDAY, the 24th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:

The Pas, Cormorant Lake, Reed Lake, Herb Lake, North Star Lake, Elbow Lake, Sherridon, Gurney Gold (Brune Lake), Cranberry Portage, Flin Flon, in the Province of Manitoba,

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Twice weekly between:—

The Pas, Herb Lake, Sherridon, Flin Flon;

With stops at:—

Cormorant Lake, Reed Lake, North Star Lake, Elbow Lake, Gurney Gold (Brune Lake), Cranberry Portage, on such scheduled flights when traffic demands, as arranged in advance of flight;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 29 be issued for the period of one year from June 23, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57646

In the matter of the application of The Georgian Bay Tourist Company of Midland, Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport passengers and/or goods by water between ports on Georgian Bay, within the proclaimed area.

File No. 42076.29

MONDAY, the 26th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport passengers and/or goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4th, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ship for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Midland City.....	100662	580

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 25 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57653

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 26th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

It is ordered:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and

they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 50 to Tariff C.T.C. No. E.1258
 Supplement No. 50 to Tariff C.T.C. No. E.1689
 Supplement No. 19 to Tariff C.T.C. No. E.2311
 Supplement No. 6 to Tariff C.T.C. No. E.2804
 Tariff C.T.C. No. E.3024
 Tariff C.T.C. No. E.3026

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57655

In the matter of the application of the Detroit and Georgian Bay Navigation Co. Ltd., hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport passengers by water between ports on Lake Huron and Georgian Bay and their connecting waters, within the proclaimed area.

File No. 42076.27

TUESDAY, the 27th day of June, A.D. 1939

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company, and has applied for a licence under the provisions of The Transport Act, 1938, to transport passengers by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, to which the provisions of the Act have been made effective as of January 15, 1939, by proclamation of His Excellency the Governor General, dated January 4, 1939;

And whereas the Applicant is the owner of, and does propose to employ, the undermentioned ship for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Georgian.....	141863	2,484

And whereas the Applicant has established proof, to the satisfaction of the Board, of its right to a licence, pursuant to Section 5, subsection 2, of the said Act—

Therefore the Board orders:

1. That Licence No. C.T.C. (W.T.) 26 be issued for a period of one year from January 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder; and by compliance with the provisions of the General Order of the Board No. 583, dated February 24, 1939, and any amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 57656

In the matter of the application of The Toronto, Hamilton and Buffalo Railway Company, hereinafter called the "Applicant" for permission to amend its Tariff C.T.C. 1572 on less than statutory notice.

File 27612.202

TUESDAY, the 27th day of June, A.D. 1939

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant, by Supplement 16 to its tariff C.T.C. 1572, effective June 30, 1939, added the Lake Erie, Franklin and Clarion Railroad Company as a participating carrier thereto, and did also add rates on "grass" to the list of commodities;

And whereas by Supplement 17 to the said tariff, effective July 12, 1939, the Applicant corrected rates to Basing Points involving both reductions and increases on all commodities and over lines of all participating carriers;

And whereas the changes effected by Supplement 17 to the said tariff result in increased rates on Grass and on traffic via the Lake Erie, Franklin and Clarion Railroad Company, effective on less than statutory notice, and the Applicant has applied to the Interstate Commerce Commission for relief from the provisions of Section 6 of the Interstate Commerce Act and Rule 54 of Tariff Circular No. 20, and in its petition desires authority to issue a supplement effective on five days' notice after filing thereof;

The Board orders:

That the Applicant be, and it is hereby, granted permission to supplement its tariff C.T.C. 1572, effective on five days' notice concurrently with any similar permission granted by the Interstate Commerce Commission for the purpose of bringing into effect rates on Grass as defined in Supplement 16 thereto and rates via the Lake Erie, Franklin and Clarion Railroad Company.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 57657

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Prince Albert and Goldfields, Saskatchewan, and intermediate points.

File No. 42007.4.14

TUESDAY, the 27th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Prince Albert, Big River, Dore Lake, La Plonge/Beauval, Ile a la Crosse, Pine River, Souris, Buffalo Narrows, Buffalo River, Clear Lake, La Loche, Cree Lake, Goldfields, Fond du Lac, Stony Rapids, Foster Lakes, Contact Lake, Stanley Mission, Sulphide Lake, Lac la Ronge, Montreal Lake, in the Province of Saskatchewan;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly between: Prince Albert and Goldfields.

With monthly calls at: Big River, Dore Lake, La Plonge/Beauval, Ile a la Crosse, Fond du Lac, Stony Rapids, Stanley Mission, Sulphide Lake, Lac la Ronge, and Montreal Lake.

With calls every two months at: Pine River, Souris, Clear Lake, Buffalo Narrows, Buffalo River, La Loche, Cree Lake, Foster Lakes and Contact Lake;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 32 be issued for the period of one year from June 26, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57658

In the matter of the application of Canadian Airways Limited, hereinafter called the "Licensee," to suspend the scheduled service at Knee Lake, Manitoba, presently required by Licence No. C.T.C. (A.T.) 20, and for modification of the Order of the Board No. 57552, dated June 6, 1939.

File No. 42007.4.10

TUESDAY, the 27th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Licensee was granted Licence No. C.T.C. (A.T.) 20 requiring a monthly service frequency at Knee Lake, Manitoba, on a scheduled route between Ilford, Manitoba, and Sachigo, Ontario;

And whereas traffic requirements at Knee Lake no longer exist, and the said point is represented to be devoid of inhabitants;

And whereas the Licensee desires to be relieved of the burden of a monthly scheduled call at the said point—

Therefore the Board orders:

That licence No. C.T.C. (A.T.) 20 be amended by deleting Knee Lake from the schedule and substituting therefor the requirement that service be rendered, on the licensed route, at Knee Lake only when required; and that the said Order No. 57552, dated June 6, 1939, be modified accordingly.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57659

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Sioux Lookout and/or Hudson, Rat Rapids, and Pickle Lake, Ontario.

File No. 42007.4.5

TUESDAY, the 27th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Sioux Lookout and/or Hudson, Rat Rapids, and Pickle Lake, in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a weekly service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 31 be issued for the period of one year from June 26, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57660

In the matter of the application of Arrow Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Flin Flon, Manitoba, and Island Falls, Saskatchewan, and intermediate points.

File No. 42007.6.2

TUESDAY, the 27th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Flin Flon, in the Province of Manitoba; and Pelican Narrows and Island Falls, in the Province of Saskatchewan;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a bi-weekly service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That licence No. C.T.C. (A.T.) 30 be issued for the period of one year from June 26, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57661

In the matter of the application of Mackenzie Air Service Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Edmonton, Alberta, and Goldfields, Saskatchewan, and intermediate points.

File No. 42007.14

TUESDAY, the 27th day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft

passengers and/or goods on a scheduled route between the following points and places:—

Edmonton, Lac la Biche, South Wabiskaw Lake, North Wabiskaw Lake, McMurray, Bitumont, Embarras, Chipewyan, in the Province of Alberta; Fort Smith, in the Northwest Territories; and Goldfields, Fond du Lac, and Stony Rapids, in the Province of Saskatchewan;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1229, dated May 27, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Twice weekly between: Edmonton, McMurray, Bitumont, Embarras, Chipewyan, Fort Smith, and Goldfields.

Weekly to: Fond du Lac.

As traffic requires calls to be made at: Lac la Biche, South Wabiskaw Lake, North Wabiskaw Lake, and Stony Rapids;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 33 be issued for the period of one year from June 26, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57672

In the matter of the application of the Detroit and Georgian Bay Navigation Company Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 2 on file with the Board under file No. 42082.26.

THURSDAY, the 29th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered:

That the said Standard Passenger Tariff C.T.C. No. 2, effective June 30, 1939, of the Detroit and Georgian Bay Navigation Company Limited, on file with the Board under file No. 42082.26, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 590

In the matter of the application of the Canadian National Railways for permission to equip freight cars with steel running boards instead of wood running boards.

File No. 11654.

THURSDAY, the 22nd day of June, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Director, Operating Department of the Board—the Railway Association of Canada consenting—

It is ordered that the General Order of the Board No. 102, dated February 17, 1913, be amended to provide that running boards may be made of material other than wood: Provided that before any freight or other cars are equipped with running boards of material other than wood, application, accompanied by a complete set of drawings, must be made to the Board and the approval of the Board obtained before any such cars are placed in service.

H. GUTHRIE,
Chief Commissioner.

P.C. 1497

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of June, 1939.

PRESENT:

HIS EXCELLENCY

The GOVERNOR GENERAL IN COUNCIL:

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, licence aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1 (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas, under date the 1st of June, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to the air services between the undermentioned points and places, designated for identification purposes by the route number shown, and recommends that said points and places be named by the Governor in Council under the provisions of Section 15 (1) (b), namely, as follows:—

Route Number

C. 43

Points and Places

St. Félicien, Chigoubich Lake, Ashuapauchuan Lake, Nikabau Lake, Lake Chibougamau, Lac aux Dorés, in the Province of Quebec,

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above named points and places as recommended by the Board of Transport Commissioners for Canada.

E. J. LEMAIRE,

Clerk of the Privy Council.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 57537. June 2—Approving resolution of Directors of Burke Towing & Salvage Co. Ltd. authorizing certain officials to prepare and issue tariffs of tolls.
- 57538. June 2—Approving Standard Mileage Freight Tariff of Burke Towing & Salvage Co. Ltd.
- 57539. June 3—Declaring Westchester Avenue, St. Catharines, Ont., protected to Board's satisfaction. (N. St. C. & Toronto Ry.)
- 57540. June 2—Declaring highway crossing third east of Richmond station protected to Board's satisfaction. (C.N.Rys.).
- 57541. June 2—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.P.R. under Sec. 9.
- 57542. June 2—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Temiscouata Ry. under Section 9.
- 57543. June 2—Amending Order No. 57194 of Mar. 29/39 *re* road diversion Route No. 6, Newport, Que. (C.N.Rys.).
- 57544. June 6—Authorizing C.N.Rys. to construct siding to serve Maple Leaf Milling Co. at Montreal, Que.
- 57545. June 6—Authorizing construction of siding, Queen Street, Montreal, Que. to serve Deitcher Bros. Ltd. (M. & S.C.Ry.).
- 57546. June 3—Refusing application Farmers and Millers of Ontario for reduction in rates on grain and grain products shipped via St. Lawrence.
- 57547. June 3—Authorizing New York Central Railroad Co. to convert Montrose draw-bridge over Welland River into fixed span.
- 57548. June 3—Authorizing construction of highway crossing over Canadian National Railways' Whitby-Port Perry line, Ontario.
- 57549. June 6—Authorizing construction of highway crossing over C.N.R. at Boulevard Levis, Lauzon East, St. Joseph, Que.
- 57550. June 6—Declaring C.P.R. crossing second east of L'Epiphanie, Que. protected to Board's satisfaction.
- 57551. June 6—Amending Order 49886 of May 20/33 limiting speed limitation at crossing south of Tottenham Station, Ont. (C.N.Rys.).
- 57552. June 6—Authorizing the issuing of Licence to Canadian Airways Limited to transport passengers and/or goods between Ilford, Man., and Sachigo, Ontario.
- 57553. June 6—Amending Orders regulating speed of engines and trains at several streets in Maisonneuve, Que. C.N.R.
- 57554. June 6—Authorizing Department of Highways to maintain temporary highway crossing west of Selim station, C.P.R.
- 57555. June 5—Authorizing the issuing of Licence to Canadian Airways Limited to transport passengers and/or goods between Sioux Lookout and Casummit Lake, etc.
- 57556. June 7—Declaring highway crossing west of Vineland station protected to Board's satisfaction. (C.N.Rys.).
- 57557. June 7—Approving installation of storage tank, pipe lines, etc., Rosetown Co-Operative Assn., Rosetown, Sask. (C.N.Rys.).

- 57558. June 6—Authorizing construction of several lines in Towns of Preston, Galt, Waterloo etc., Grand River Ry. Co. to connect with C.N.R.
- 57559. June 5—Authorizing removal of station agent at Keene, Ont. and appointing caretaker. (C.N.Rys.).
- 57560. June 6—Amending Order 9287 of Jan. 4/10, *re* operation of trains over Ontario Street crossing, Kingston. (C.N.Rys.).
- 57561. June 6—Authorizing construction of highway across spur track of C.N.Rys. in Township of Pickering, Ontario.
- 57562. June 7—Amending Order 37340 of Feb. 13/26 *re* speed limitation at Jeanne d'Arc street crossing, Montreal, Que. (C.N.Rys.).
- 57563. June 7—Amending Order 57445 of April 12/39 *re* speed limitation C.N.R. between Desjardins and Jeanne d'Arc streets, Montreal, Que.
- 57564. June 7—Declaring highway crossing, first south of Sutton, Que. protected to Board's satisfaction. (C.P.R.).
- 57565. June 6—Approving under Maritime Freight Rates Act, tolls published in supplements to tariffs filed by Canadian National Rlys. under Section 3.
- 57566. June 7—Authorizing the issuing of a Licence to Canadian Airways Limited to transport passengers and/or goods between Winnipeg and Gods Lake, Manitoba.
- 57567. June 7—Authorizing the issuing of a Licence to Canadian Airways Limited to transport passengers and/or goods between Kenora and Straw Lake, Ontario.
- 57568. June 7—Authorizing the issuing of Licence to Canadian Airways Limited to transport passengers and/or goods between Winnipeg and Bissett, Man.
- 57569. June 7—Authorizing the issuing of Licence to Canadian Airways Limited to transport passengers and/or freight between Sioux Lookout and Red Lake, Ontario.
- 57570. June 7—Authorizing the issuing of Licence to Canadian Airways Limited to transport passengers and/or goods between Kenora, Ontario, and Red Lake, Ontario.
- 57571. June 7—Authorizing the issuing of Licence to Canadian Airways Limited to transport passengers and/or goods between Edmonton, Alta. and Coppermine, N.W.T.
- 57572. June 7—Authorizing the issuing of Licence to Canadian Airways Limited to transport passengers and/or freight between Edmonton, Alta. and Aklavik, N.W.T.
- 57573. June 7—Authorizing the issuing of Licence to Canadian Airways Limited to transport passengers and/or goods between Winnipeg, Man. and Red Lake, Ontario.
- 57574. June 7—Amending Order 52049 of June 29/35 *re* speed limitation at crossing of Laframboise Street, St. Hyacinthe, Que. (C.N.Rys.).
- 57575. June 8—Authorizing C.P.R. to construct extension of spur of Campbell & Griffins to connect with Pacific Cartage Co's spur, Calgary, Alta.
- 57576. June 7—Refusing application residents of Baldwinton, Sask. for tri-weekly passenger service. (C.P.R.).
- 57577. June 7—Authorizing construction of branch line to serve Consolidated Mining and Smelting Co. Ltd. at Warfield, B.C. (C.P.R.).
- 57578. June 7—Authorizing construction of extension of siding to serve Ashley Colter, Ltd. at mileage 14-94, Washwaak Subdivision, N.B. (C.N.Rys.).
- 57579. June 8—Authorizing discontinuance of flag stop at Manouan, Que. (C.N.Rys.).
- 57580. June 8—Suspending Tariff of Calvin Shipping Co. Ltd. *re* Rates on Dried Fruits.
- 57581. June 9—Approving installation of Storage Tank, pipe lines, etc. of Shell Oil Co. Ltd., Chicoutimi, Que. (C.N.Rys.).
- 57582. June 9—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by D.A. Ry. under Sec. 9.
- 57583. June 9—Authorizing C.P.R. to construct its track at grade across road allowance on north boundary of N.E.4 of Sec. 27-15-4 EPM. Man.
- 57584. June 9—Declaring C.N.Rys. crossing two poles west of mileage 38, Victoria Beach Subdivision, Man. protected to Board's satisfaction. (C.N.R.).
- 57585. June 7—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Temiscouata Ry. under Section 9.
- 57586. June 7—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by D.A. Ry. under Section 9.
- 57587. June 9—Approving installation additional storage tank of Canadian Oil Companies Ltd., at Carnduff, Sask. (C.P.R.).
- 57588. June 9—Declaring Adelaide Street crossing, London, Ontario, protected to Board's satisfaction. C.N.Rlys.
- 57589. June 8—Amending Order 49759 of April 13/33 *re* cost of protection Bridge Street crossing, Hastings, Ont. (C.N.Rys.).
- 57590. June 10—Authorizing the closing of right of way east of Sec. 16-8-6, W2M., Sask., and install private crossing with gates. (C.P.R.).

- 57591. June 10—Amending Order 48912 of July 23/32 *re* speed limitation Montreal Tramways Pie IX Boulevard, Montreal, Que. (C.N.Rys.).
- 57592. June 10—Approving French text of Form of Contract Canadian Marconi Co's transmission telegraph and cable messages.
- 57593. June 13—Approving freight and passenger shelter at Amaranth, Manitoba, C.N. Rlys.
- 57594. June 13—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by C.N.R. under Section 3 of said Act.
- 57595. June 13—Rescinding Order 56457 of Sept. 28/38 *re* installation warehouse Texas Co. of Canada, Blaine Lake Subdivision at Hafford, Sask. C.N.Rlys.
- 57596. June 14—Declaring highway crossing north of Campbellton, N.B. protected to Board's satisfaction. C.N.Rlys.
- 57597. June 14—Declaring Kingsbury Avenue crossing C.N.R. Oakville Subdivision protected to Board's satisfaction.
- 57598. June 14—Declaring third crossing north of Warden Station, Que., protected to Board's satisfaction. (C.P.R.)
- 57599. June 14—Approving resolution Georgian Bay Tourist Co. of Midland, Limited, authorizing certain officials to prepare and issue tariffs of tolls.
- 57600. June 14—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by C.P.R. under Section 9.
- 57601. June 14—Approving resolution United Air Lines Transport Limited authorizing certain officials to prepare tariffs of tolls.
- 57602. June 14—Declaring crossing of 16th Side Road east of Strathroy protected to Board's satisfaction. C.N.Rys.
- 57603. June 15—Authorizing Department of Telephones for Saskatchewan to construct and operate underground wires under C.N.R. at Glenavon, Sask.
- 57604. June 15—Authorizing cost of maintenance of highway crossing of C.N.R. Rouyn Subdivision, Davangus, Que., to be paid by County of Abitibi.
- 57605. June 15—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Dominion Atlantic Rly. under Section 9.
- 57606. June 16—Approving installation of storage tank of McColl-Frontenac Oil Co. at Seventh Avenue, and Hamilton Street, Regina, Sask. (C.N.Rys.).
- 57607. June 14—Approving Operating Rules of Temiskaming & Northern Ontario Railway.
- 57608. June 16—Authorizing construction of highway crossing of C.N.R. in Township Airy, North Renfrew, Ontario.
- 57609. June 16—Granting leave for removal interlocking plant on drawbridge over Nikomekl River, Crescent, B.C. (V.V. & E.R. & N. Co.).
- 57610. June 17—Approving location of station at Val d'Or, Que. (C.N.Rys.)
- 57611. June 16—Authorizing C.P.R. to construct branch line to serve Reid Bros., at Bright, N.B.
- 57612. June 16—Authorizing C.P.R. to use and operate Bridge No. 0-5 Copper Mountain Subdivision over Similkameen River, B.C.
- 57613. June 17—Declaring Olive Avenue crossing, Oshawa, Ontario, protected to Board's satisfaction. (Oshawa Railway.).
- 57614. June 16—Granting leave to V.V. & Eastern Ry. and Navigation Co. to remove interlocking plant on drawbridge over Serpentine River, Crescent, B.C.
- 57615. June 17—Declaring First crossing east of Lorneville, Ontario, protected to Board's satisfaction. (C.N.Rlys.).
- 57616. June 17—Approving service station contract between Bell Telephone Company and The Dingwall Telephone Co. Limited.
- 57617. June 20—Authorizing C.P.R. to construct, maintain etc., branch line to serve Evans Products Co. Limited, Vancouver, B.C.
- 57618. June 19—Requiring Vancouver & Lulu Island Ry. (B.C. Electric) stop southbound trains at Brighouse, B.C. crossing and directing Tp. Richmond to erect protective signals at said crossing.
- 57619. June 20—Approving C.N.R. clearances on siding constructed inside building of Aluminum Company of Canada, Kingston, Ontario.
- 57620. June 19—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by C.P.R. under Section 9.
- 57621. June 19—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by the Dominion Atlantic Railway under Section 9.
- 57622. June 19—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Canadian National Rlys. under Section 3.
- 57623. June 21—Declaring N.Y.C.Rr. crossing at Main Street, Dutton, Ontario, protected to Board's satisfaction.
- 57624. June 21—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Dominion Atlantic Ry. under Section 9.
- 57625. June 21—Approving resolution of Wings Limited authorizing certain officials to prepare and issue tariffs of tolls.

- 57626. June 20—Authorizing construction of highway crossing over C.N.R. spur to Sarnia Elevator, Front Street, Sarnia, Ontario.
- 57627. June 21—Authorizing removal of C.N.R. shelter at Vosburg, Ontario.
- 57628. June 20—Requiring C.P.R. to erect reflector button signs at first public crossing west of Burketon Station, Ontario.
- 57629. June 20—Approving by-law prohibiting blowing and sounding of engine whistles, etc., within city limits, Kitchener, Ont.
- 57630. June 20—Authorizing the abandonment of operation of C.P.R. line between O'Donnell and Gertrude, Nickel Subd'vn., Ontario.
- 57631. June 22—Declaring C.N.R. crossing first north of Marois Station, Quebec, protected to Board's satisfaction.
- 57632. June 21—Approving service station contract between Bell Telephone Company and Springcreek Telephone Company, Limited.
- 57633. June 22—Permitting C.N.R. to file amendment to Tariff C.T.C. E-2604 cancelling pick-up or delivery service at Malton, Ont.
- 57634. June 22—Approving Agreement between Canadian National, Canadian Pacific and C.P. Express Co. and the Manitoba Co-Operative Poultry Marketing Ass'n *re* agreed charges on eggs from Manitoba and Saskatchewan points to Winnipeg, Man.
- 57635. June 22—Approving traffic agreement between Bell Telephone Company and Commissioners for the Telephone System of Township of Dysart.
- 57636. June 21—Requiring C.N.R. to install double bells and wigwags at highway crossing at Petite Riviere, Que.
- 57637. June 21—Directing C.N.Rys. to install double wigwags with pedestrian bells attached at crossing of King Street, Trenton, Ontario.
- 57638. June 21—Directing C.N.Rys. to install double wigwags with pedestrian bells attached at crossing of Dundas Street, Trenton, Ontario.
- 57639. June 23—Granting leave to C.N.R. to remove agent at Portland Station, Ontario. (Caretaker to be appointed).
- 57640. June 23—Approving agreement and authorizing C.N.R. to connect its tracks with those of the V.V. & E. Ry. at certain points at Vancouver, B.C.
- 57641. June 22—Ordering maintenance of protection at C.P.R. highway crossing one-half mile west of Crow Lake station, Ont., to be paid by Township of Oso.
- 57642. June 22—Approving traffic agreement and service station contract between the Bell Telephone Company and The Perry Telephone System.
- 57643. June 22—Approving service station contract between Bell Telephone Company and The Penhurst Telephone Company, Limited.
- 57644. June 23—Requiring C.N.R. to rearrange crossover and trackage at first crossing west of St. Hubert station, St. Hyacinthe, Que.
- 57645. June 24—Declaring C.P.R. crossing first west of Hull West station, Que. protected to Board's satisfaction.
- 57646. June 26—Authorizing the issuing of licence to The Georgian Bay Tourist Company, Midland, Ont. to transport passengers and/or goods between ports on Georgian Bay.
- 57647. June 23—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Dominion Atlantic Ry. under Section 9.
- 57648. June 23—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by the Temiscouata Railway under Section 9.
- 57649. June 23—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by the Temiscouata Railway under Section 9.
- 57650. June 27—Approving location of C.N.R. station shelter at Floral Park, Ontario.
- 57651. June 24—Directing that C.F.A. (western lines) Tariff C.T.C. No. 36 be amended to provide that the destination group taking same rates as Toronto include same points as take Toronto rate under Rate Basis No. 1 C.F.A. Tariff C.T.C. No. 101.
- 57652. June 26—Granting leave to C.N.R. to remove agent at Belleville, N.S. (Caretaker to be appointed).
- 57653. June 26—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Canadian National Rlys. under Section 3.
- 57654. June 24—Authorizing the issuing of licence to Arrow Airways Limited to transport passengers and/or goods between The Pas and Flin Flon, Man.
- 57655. June 27—Authorizing the issuing of licence to Detroit & Georgian Bay Navigation Co. to transport passengers and/or goods between ports on Lake Huron and Georgian Bay, etc.
- 57656. June 27—Authorizing T.H. & B. Ry. to supplement its Tariff C.T.C. 1572 for purpose of bringing into effect certain rates on grass.
- 57657. June 27—Authorizing the issuing of licence to Canadian Airways Limited to transport passengers and/or goods between Prince Albert and Goldfields, Sask.

- 57658. June 27—Amending licence of Canadian Airways Ltd. No. (AT) 24 deleting Knee Lake from schedule and substituting requirement that service be rendered at Knee Lake only when required.
- 57659. June 27—Authorizing the issuing of licence to Canadian Airways to transport passengers and/or goods between Sioux Lookout, Hudson, Rat Rapids and Pickle Lake, Ont.
- 57660. June 27—Authorizing the issuing of a licence to Arrow Airways Ltd. to transport passengers and/or goods between Flin Flon, Man. and Island Falls, Sask.
- 57661. June 27—Authorizing the issuing of a licence to Mackenzie Air Service Ltd. to transport passengers and/or goods between Edmonton, Alta. and Goldfields, Sask.
- 57662. June 27—Approving traffic agreement between Bell Telephone Co. and the Leeds & Frontenac Rural Telephone Co.
- 57663. June 26—Authorizing C.P.R. to construct bridge over West River on Dominion Cart-ridge Co's siding at Brownsburg, Que.
- 57664. June 27—Approving service station contract between Bell Telephone Co. and the Ingleside Telephone Co. Ltd.
- 57665. June 27—Granting leave to C.P.R. to remove caretaker at Makepeace station, Alta.
- 57666. June 27—Authorizing Town of Lac Sergeant, Que. to construct highway crossing over C.N.R. in lieu of existing farm crossing mileage 27.5, Bastican Subdivision.
- 57667. June 29—Declaring C.N.R. crossing of 13th Street, Brandon, Man. protected to Board's satisfaction.
- 57668. June 29—Declaring C.P.R. crossing of highway known as Avenue "P" crossing, Saskatoon, Sask. protected to Board's satisfaction.
- 57669. June 29—Approving plans of proposed station of C.N.R. at Val d'Or, Quebec.
- 57670. June 29—Approving service station contract between the Bell Telephone Co. and the Fenelon Falls Rural Telephone Co. Limited.
- 57671. June 27—Approving installation of storage tank and pipe line of Maple Leaf Petroleum Ltd. near Northern Alberta Rlys. at Grand Prairie, Alberta.
- 57672. June 29—Approving Standard Passenger Tariff C.T.C. No. 2 of the Detroit and Georgian Bay Navigation Co. Limited.
- 57673. June 30—Granting leave to C.P.R. to remove caretaker agent at Mystic Station, Quebec.
- 57674. June 30—Declaring T.H. & B. Ry. crossing west of St. Anne station, Ontario, protected to Board's satisfaction.
- 57675. June 30—Approving installation of additional storage tank facilities of British American Oil Company, Limited, adjacent to C.P.R. at Brandon, Man.
- 57676. June 30—Declaring Central Vermont Ry. crossing south of Iberville station, Que. protected to Board's satisfaction.
- 57677. June 29—Authorizing the removal of station building at Gobles, Ont., by Can. Nat. Rlys.
- 57678. June 30—Approving Standard Mileage Freight Tariff C.T.C. No. 1 of Georgian Bay Tourist Company of Midland, Ontario.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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Dangerous Practices of Motorists, Drivers of Other Vehicles, and Pedestrians at Protected Crossings

In many cases accidents at highway crossings are due to negligence of those driving automobiles and other vehicles and of pedestrians. This negligence is found both at unprotected and protected crossings.

The Canadian National Railways Lines from November 1, 1938, to April 30, 1939, show 123 cases where there was danger at protected crossings due to the negligence of those using the crossings.

The Canadian Pacific Railway from October 1, 1938, to March 31, 1939, shows a total of 181 cases.

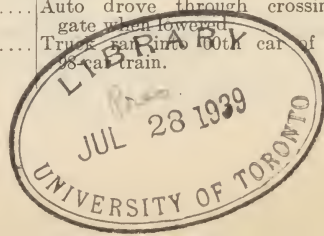
Notwithstanding safety devices and cautionary signals, people take chances and disregard safety. Motor accidents are becoming more frequent. Every sane motorist deplores this.

The Board hopes that the press will give as much publicity as possible to what is covered in the statement, with the hope that it may educate motor drivers and others to be more careful at crossings.

Some of the dangerous practices of careless drivers at highway crossings are set forth in the following lists. The most effective method of lessening such practices is through a program of education by the press.

CANADIAN NATIONAL RAILWAYS

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Sept. 26.....	4.05 p.m....	Main Street, Glencoe, Ont.	77-F-45.....	Auto not going fast but just drove into gates which were down damaging them.
Oct. 1.....	11.38 p.m....	Highway No. 73, Aylmer, Ont.	948-K-9.....	Auto crashed into north gate when it was lowered.
Oct. 11.....	.....	Highway No. 73, Aylmer, Ont.	846-K-3.....	Auto drove through crossing gate when lowered.
Oct. 23.....	3.30 p.m....	Public Highway, M. 128-67 Wabamun Sub. Edmonton, Alta.	C-8062.....	Truck ran into both car of a passenger train.



CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Oct. 27.....	14.15 K.....	Public, east of Prince George Station, Prince George, B.C.	.....	Truck drove over crossing just in front of incoming way-freight making it necessary to apply brakes in emergency to avoid collision. Bell was ringing and good view of crossing from road.
Oct. 27.....	5.50 p.m....	Main Street, Ottawa, Ontario.	3-N-675.....	Auto driver released brakes on decline after coming to a full stop, car ran into gates damaging them.
Oct. 28.....	21.03 K.....	Public Road, M. 2-27, Camrose Sub. Edmonton, Alta.	32-459.....	Operator drove his auto into side of engine, who apparently did not hear engine whistle nor see engine headlights.
Nov. 6.....	10.28 a.m....	West of Toll Cabin, Montreal end of Victoria Bridge, Montreal, Que.	X-2034.....	Automobile ran in front of engine. Crossing was protected by yardman with red flag.
Nov. 1.....	8.45 a.m....	Young Street, Truro, N.S.	N.S. C-11-365...	Auto would not stop for Stop Sign while switch engine shunting cars with cars almost on crossing.
Nov. 1.....	2.47 p.m....	Front Street, Toronto, Ont.	Ont. 81136-C....	Driver disobeyed signals and drove truck onto crossing after gates were lowered.
Nov. 3.....	18.22 K.....	Water Avenue, Winnipeg, Man.	Man. T-5664.....	Driver of auto went against signal.
Nov. 4.....	23.00 K.....	96th Street, Edmonton Terminals, Edmonton, Alta.	Alta. 73649.....	Auto ran into side of switch engine going over crossing at a speed of from 2 to 4 miles per hour. Whistle and signal had been sounded and bell was ringing. Headlight also burning.
Nov. 7.....	.....	Main Street, Gladstone, Man.	Man. 57-311.....	Driver of auto ignored stop signal to beat train at crossing. Engineer applied brakes to bring engine to dead stop to avoid hitting.
Nov. 7.....	23.13 K.....	Public, M. 52-8, Drumheller Sub., Calgary, Alta.	Alta. C-5-716....	Driver of truck failed to make sure no train was approaching crossing before driving onto same.
Nov. 6.....	8.50 p.m....	Lindsay Street, Drummondville, P.Q.	.....	Gates were down on both sides of Lindsay Street. Auto driven by unknown person struck both gates damaging same.
Nov. 9.....	7.50 p.m....	Sixth Street, Brandon, Man.	Man. 62-909.....	Auto driver ignored stop signal when switch engine almost at crossing.
Nov. 9.....	5.10 p.m....	Ferry Street, Sydney, N.S.	N.S. 71-426.....	Reckless driving at railway crossing; ran through gates when down, breaking left arm of east gate.
Nov. 10.....	8.55 a.m....	Strachan Avenue Toronto, Ontario.	.....	Pedestrian attempted to enter crossing with bicycle after gates were lowered.
Nov. 11.....	24.40 K.....	Main Street, Vegreville, Alta.	Alta. 77613.....	When going over crossing auto failed to stop which resulted in it being struck. All statutory requirements complied with. Driver admitted responsibility.
Nov. 13.....	2.56 p.m....	Lennoxville, P.Q.	Que. 106684.....	Driving in rain ran into gates damaging them.
Nov. 14.....	1.30 a.m....	St. Jean Baptiste St. M. 216-7, Jonquiere, P.Q.	Que. 116-441....	Auto did not stop when approaching crossing and ran into side of engine.
Nov. 15.....	5.06 p.m....	1st Avenue East, Prince Albert, Sask.	Sask. 23477.....	Driver failed to stop when engine switching over crossing and red light against him.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Nov. 16.....	4.47 p.m....	Front Street, Alliston, Ont.	Ont. 74580-C....	Driver of truck not exercising proper care approaching crossing resulting in damage to gates.
Nov. 17.....	9.16 a.m....	Ferguson Ave., Hamilton, Ont.	Ont. 26796-C....	Truck parked foul of main track.
Nov. 17.....	7.48 a.m....	Main Street, Ottawa, Ont.	Ont. 53821-C....	Gates were down and driver ran into them.
Nov. 18.....	2.30 p.m....	Water Street, Summer- side, P.E.I.	PEI 7086.....	Driver ignored stop signal.
Nov. 18.....	17.14 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 25777.....	Driver of auto failed to stop when red light against him, when switch engine in the vicinity.
Nov. 21.....	12.47 p.m....	Young Street, Truro, N.S.	NS 51-419.....	This car would not stop for stop signal and went across in front of engine which was out on crossing and about to go ahead.
Nov. 23.....	.....	Plan* Road, Sarnia, Ont....	.....	Auto made no attempt to stop but went through gates across crossing.
Nov. 24.....	8.45 K.....	Public M. 61-8, Three Hills Sub-division, Cal- gary, Alta.	Alta. D-13-292..	Driver of truck failed to make sure no train was approaching crossing before driving onto same.
Nov. 24.....	17.17 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 24606.....	Drove past red light when engine in vicinity of crossing.
Nov. 25.....	5.25 p.m....	John Street, Aylmer, Ont.	Ont. 827-K-1....	Auto approached crossing at a speed of about 30 miles per hour and did not see gates down breaking them.
Nov. 26.....	16.22 K.....	Water Avenue, Winnipeg, Man.	Man. 31-526.....	Driver of auto went against stop signal.
Nov. 26.....	11.04 K.....	First Public, Allenford, Ont.	Ont. 4-C-939....	Auto ran into side of third car from engine. Train travelling 5 miles per hour at time.
Nov. 27.....	6.00 p.m....	King Street, Sherbrooke, Que.	Que. 83-669.....	Driver of auto did not stop for gates when lowered.
Nov. 28.....	17.15 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 2-819.....	Truck drove onto crossing and stopped on tracks in front of engine.
Nov. 28.....	17.06 K.....	1st Avenue East, Prince Albert, Sask.	.....	Auto driven to the danger of everybody concerned around crossing.
Nov. 28.....	5.30 p.m....	Ottawa Street, Hamilton, Ont.	Ont. 74-D-89....	Auto approached crossing at a rate of about 20 miles per hour, and apparently did not see that gates were lowered running into them and damaging them.
Dec. 3.....	17.63 K.....	104th Avenue, Edmonton, Alta.	Alta. 83-372.....	Auto approached from east at a speed of between 30 and 40 miles per hour. Was flagged by switchman but did not stop nor slow up necessitating switchman to jump out of way to avoid being hit.
Dec. 3.....	20.58 K.....	1st Avenue E., Prince Albert, Sask.	Sask. 33-850.....	Auto passed red light when engine approaching.
Dec. 6.....	23.00 K.....	104th Avenue, Edmonton, Alta.	Alta. 72-257.....	Auto approached from west and was flagged by switchman standing on crossing. Did not stop and switchman had to jump out of way to avoid being hit.
Dec. 6.....	.....	William Street, Chatham, Ont.	No. Licence.....	Auto either backed into end of gate or touched same when making wide turn from William to St. Patrick Street.
Dec. 6.....	15.16 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 72446.....	Auto drove past stop sign when engine in vicinity of crossing.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Dec. 6.....	16.25 K.....	24th Street, Saskatoon, Sask.	Sask. 11210.....	Auto driver deliberately disregarded both stationary and watchman's stop signals nearly running down watchman. Later said he thought he would be able to beat train.
Dec. 15.....	5.32 p.m....	Mann Avenue, Ottawa, Ont.	Ont. 3-U-72.....	Driver did not observe stop sign displayed by watchman.
Dec. 16.....	5.15 p.m....	Mill Street, Saint John, N.B.	NB C-1745.....	Truck drove under lowering gates and hooked into gate cracking it.
Dec. 19.....	4.45 p.m....	Strachan Ave., Toronto, Ont.	Ont. 2-O-813....	Auto failed to observe railway signals in trying to beat gates resulting in damage to crossing gate
Dec. 20.....	19.25 K.....	1st Avenue East, Prince Albert, Sask.	Sask. E-98.....	Truck passed red light when engine approaching crossing.
Dec. 20.....	6.38 p.m....	Mann Avenue, Ottawa, Ont.	Ont. 2-U-525....	Auto driver did not observe stop sign displayed by watchman.
Dec. 20.....	12.53 K.....	24th Street, Saskatoon, Sask.	Sask. T-256.....	Truck driver deliberately disregarded stationary and watchman's stop signs as train approaching crossing and struck tail end of truck.
Dec. 20.....	11.20 p.m....	Barton Street and Ferguson Ave., Hamilton, Ont.	Ont. 5-W-469....	Auto approached crossing on slippery pavement at excessive speed skidded into gates damaging them.
Dec. 21.....	3.00 a.m....	Ottawa Street, Hamilton, Ont.	Ont. C-18917....	Auto approached crossing at an excessive rate of speed ran into gates damaging them.
Dec. 23.....	8.50 p.m....	Ottawa Street, Hamilton, Ont.	Ont. 79-D-28....	Auto approached crossing at excessive rate of speed passing three autos which had stopped, running into gates damaging them.
Dec. 23.....	8.50 p.m....	Davis Street, Arvida, Que.	Que. E-3002.....	Driver attempted to pass over crossing ahead of train. Another car had stopped to allow train to pass but thought could get over ahead of train. Engine bell ringing.
Dec. 24.....	9.30 p.m....	Front Street, Toronto, Ont.	Ont. 3-A-764....	Driver failed to observe railway signals resulting in damage to crossing gates.
Dec. 24.....	11.00 a.m....	Mill Street, Saint John, N.B.	NB C. 874.....	Gate was being lowered for train coming towards station on track 3, when truck drove up then stopped and started again hooking into gate and breaking out piece of one side.
Dec. 27.....	21.20 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 23-284....	Auto drove past red light when engine approaching crossing.
Dec. 28.....	8.20 p.m....	Essa Street, Allandale, Ont.	Ont. 7-P-569....	Crossing bell ringing and gates lowered to protect yard movements when auto about 100 ft. from crossing failed to stop before striking tip of northwest arm of gate.
Dec. 30.....	1.55 p.m....	Josephine St., Wingham, Ontario.	Ont. 32-L-91....	Auto signalled to stop by crossing watchman 100 yards distant, was going in zig-zag fashion disregard signal to stop, coming dangerously.
Dec. 31.....	3.30 p.m....	Strachan Ave., Toronto, Ont.	Ont. 85736-C....	Truck driver failed to observe railway signals resulting in damage to gates.
1939				
Jan. 1.....	22.06 K.....	95th Street, Edmonton, Alta.	Alta. 28243-1938.	Crossing gates down for train when car ran into north gate, damaging same.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Jan. 2.....	11.03 p.m....	Davenport Rd., Toronto, Ont.	Ont. 17549-C....	Truck driver misjudged distance when approaching crossing, skidded on icy pavement and damaged crossing gate.
Jan. 3.....	2.40 p.m....	Ottawa Street, Hamilton, Ont.	Ont. 54-D-29....	Driver's view obstructed by ice on windshield; ran into gates breaking them.
Jan. 6.....	9.27 a.m....	18th Avenue, Lachine, Que.	Que. 23177.....	Brakes on car applied too late resulting in auto running into gates damaging them.
Jan. 9.....	6.45 p.m....	Barton Road, Hamilton, Ont.	Ont. 21917-C....	Driver proceeded into danger zone and ignored red signals and shouts of watchman, tried to pass through space left for street cars and came to stop only after striking watchman.
Jan. 14.....	10.45 a.m....	St. John St., Truro, N.S.	NS 50-098.....	Driver ran into gate breaking same.
Jan. 14.....	20.40 K....	1st Avenue West, Prince Albert, Sask.	Sask. 23-005....	Auto passed red light when engine in vicinity of crossing.
Jan. 17.....	21.26 K....	1st Avenue East, Prince Albert, Sask.	Sask. 25-516....	Auto crossed in front of moving train when stop light against him.
Jan. 18.....	9.55 a.m....	Water Street, Summerside, P.E.I.	PEI 7358.....	Ignored stop signal.
Jan. 20.....	19.55 K....	118th Avenue, Edmonton, Alta.	Alta. C.T. 541..	Crossing gates down for train, lights on gates burning when driver of vehicle ran into gates breaking same.
Jan. 21.....	3.45 p.m....	Victoria St. New Glasgow, N.S.	NS 63-941.....	Driver of auto refused to stop when train was approaching crossing.
Jan. 24.....	21.14 K....	1st Avenue East, Prince Albert, Sask.	Sask. 769.....	Auto crossed in front of moving train when stop light against him.
Jan. 26.....	16.18 K....	1st Avenue East, Prince Albert, Sask.	Sask. E 252....	Driver passed stop sign when engine switching cars over crossing.
Jan. 26.....	7.16 K....	20th Street East, Calgary, Alta.	Alta. 9-508.....	Driver of auto failed to make sure crossing clear before driving into same.
Jan. 31.....	2.15 p.m....	McGill Street, Hawkesbury, Ont.	Ont. 70-11.....	Engine bell and whistle sounded, wigwag working o.k. auto did not stop before crossing. Chauffeur stated windows closed and did not see nor hear train. Flanger ahead of engine struck auto damaging it badly.
Feb. 1.....	19.45 K....	104th Avenue, Edmonton, Alta.	Alta. 4050.....	Engine shoving cars southward over crossing. Switchman flagged auto coming from west, auto stopped then ran round end of cars and continued eastward.
Feb. 2.....	10.03 p.m....	Broadway Street, Wyoming, Ont.	Ont. 47-D-41....	Auto approached too close to crossing on slippery pavement before endeavoring to stop and broke gates.
Feb. 11.....	23.25 K....	97th Avenue, Edmonton, Alta.	Alta. 57895.....	Auto ran into side of engine when same moving over crossing at about 3 miles per hour. Driver said he could not stop but file discloses that his windshield was frosted and he was following another car suggesting travelling too fast.
Feb. 10.....	22.40 K....	1st Avenue East, Prince Albert, Sask.	Sask. L-54.....	Auto crossed in front of moving train when stop light against him.
Feb. 16.....	6.50 p.m....	College Street, Lennoxville, Que.	Que. 84441.....	Auto driven with frozen brakes ran into crossing gates, breaking them.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Feb. 17.....	20.25 K.....	104th Avenue, Edmonton, Alta.	Alta. 56872.....	Switchman was standing on crossing and flagged driver to stop. Driving very fast and claims he did not see signal of cars. Ran car into side of stock car.
Feb. 18.....	21.27 K.....	95th Street, Edmonton, Alta.....	Alta. C-7570....	Crossing gates down for train, lights on gates burning when driver ran car into gates breaking one crossing gate.
Feb. 19.....	9.45 a.m...	Laframboise St., St. Hyacinthe, Que.....	Que. F-20632....	Driver of auto passed "stop" while train coming close to crossing.
Feb. 20.....	15.15 K.....	1st Avenue East, Prince Albert, Sask.....	Sask. CV-84....	Truck driver crossed in front of push car about five feet when stop sign against him.
Feb. 21.....	6.25 p.m...	Pape Avenue, Toronto, Ont.	.....	Not exercising sufficient care approaching crossing on slippery pavement; ran into gates and damaged them.
Feb. 21.....	4.10 p.m...	Strachan Ave., Toronto, Ont.	Ont. 77400-C....	Truck approached crossing at excessive speed resulting in damage to gate, when driver ran into them.
Feb. 24.....	2.00 p.m....	Victoria Street, Hamilton, Ont.	Ont. C-19880....	Driver started truck before gates were raised damaging them.
Feb. 28.....	4.50 p.m...	Queen St. West, Ottawa, Ont.	Ont. C-54762....	Drove into west gate breaking arm also lamp, continuing 40 ft. across tracks and breaking double section on southeast gate.
Mar. 3.....	15.50 K.....	24th Street Saskatoon, Sask.	Sask. T-905.....	Driver deliberately disregarded watchman's signals to stop, also refusing to stop to give explanation for doing so.
Mar... 2.....	12.10 a.m...	Thames Street, Ingersoll, Ont.	Ont. 700-E-1....	Excessive speed approaching crossing running into gate damaging same.
Mar. 3.....	3.45 p.m...	Bronson Ave., Ottawa, Ont.	No. 55.....	Sleigh passed crossing gate on sidewalk, running into gate damaging same.
Mar. 9.....	14.22 K.....	Water Ave., Winnipeg, Man.	Man. 33-440....	Auto speeded over crossing against stop signal in front of engine.
Mar. 13.....	11.45 a.m...	College St., Lennoxville, Que.	Que. 61109.....	Automobile ran into crossing gates damaging them.
Mar. 14.....	7.00 p.m...	Strachan Ave., Toronto, Ont.	.....	Operated auto onto crossing when gates were being lowered and warning bell ringing.
Mar. 14.....	9.45 a.m....	18th Ave., Lachine, Que...	Que. F-4130....	Auto going on train track made sharp turn caught and broke south gate.
Mar. 14.....	19.20 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 789.....	Auto crossed in front of moving engine when stop light against them.
Mar. 18.....	9.10 p.m....	Public, m. 67.27 Wabamun Subd'n, Alberta.	Alta. 447-PSV-2520.....	Truck with trailer ran over crossing ahead of train resulting in engine striking trailer damaging same. All statutory requirements were complied with.
Mar. 21.....	19.50 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 17-684....	Auto attempted to pass in front of a moving train when stop signal displayed against it.
Mar. 23.....	5.50 p.m...	Royce Ave., Toronto, Ont.	Ont. 79536-c....	Truck entered crossing when gates were being lowered and refused to back out.

CANADIAN NATIONAL RAILWAYS—*Concluded*

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Mar. 24.....	4.30 p.m...	Laframboise St., St. Hyacinthe, Que.	Que. 11858.....	Extra west was coupling taking more than half space of crossing and ready to pull out. Had stop signal up. Tried to go by had to make driver back up.
Mar. 25.....	8.00 a.m...	Talbot St., Courtland, Ont.	Ont. 97-P-17.....	Auto ran into and damaged wigwag signal at crossing.
Mar. 28.....	10.40 a.m...	Water St., Summerside, P.E.I.	PEI T-966.....	Driver of auto ignored stop signal.
Mar. 30.....	2.25 p.m...	Front St., Orillia, Ont.....	Ont. 9-P-895....	Excessive speed on slippery crossing, ran into gates damaging them.
Mar. 31.....	2.30 p.m...	King St., Sherbrooke, Que.	Que. F-9256.....	Gates raised by pedestrian, two autos drove onto crossing and collided in backing up.
Apr. 2.....	4.12 p.m...	Bronson Ave., Ottawa, Ont.	Ont. 10-F-80.....	Driver of auto disregarded warning bell and ran under descending gates.
Apr. 6.....	15.18 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 17921.....	Auto crossed over in front of engine with stop signal against him.
Apr. 12.....	21.02 K.....	1st Avenue East, Prince Albert, Sask....	Sask. 2-555.....	Auto crossed in front of moving train when stop light against it.
Apr. 15.....	17.08 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 2-555.....	Drove past stop sign when engine switching over crossing.
Apr. 17.....	.....	Provincial High'y No. 5, Roblin, Man.	Man. 9095.....	Auto came from east at fast rate of speed over crossing.
Apr. 20.....	10.10 a.m...	Pictou Crossing, Truro, N.S.	NS 50-012.....	Auto did not stop for bells and gates lowering; stopped after hood was under gates.
Apr. 22.....	9.15 p.m...	Gilbert's Lane, Saint John, N.B.	NB 7121.....	Auto left highway and moved onto right-of-way.
Apr. 21.....	10.35 p.m...	George St., New Glasgow, N.S.	NS 60-996.....	Auto ran under gates and backed out. Broke end of gate arm. Bell was ringing, lights burning.
Apr. 21.....	18.30 K.....	124th Street, 106th Ave., Edmonton, Alta.	Alta. 47166.....	Auto moving northward at high speed passed over crossing ahead of cars.
Apr. 25.....	1.00 p.m...	Mill St., Saint John, N.B..	NB C-2526.....	Drove under gate hitting it with front of his truck body.
Apr. 25.....	19.43 K.....	1st Avenue East, Prince Albert, Sask.	Sask. 17-961.....	Auto crossed in front of train when in motion; red light against him.
Apr. 27.....	5.46 p.m...	Young St., Truro, N.S.....	NS 50-928.....	Would not stop when signalled. Drove auto across track in front of engine.
Apr. 26.....	12.02 p.m...	St. James St., St. Johns, Que.	Que. 101809....	North gate down south side lowering when auto passed underneath gate and had to stop on crossing and lift gate to let it by.
Apr. 26.....	6.21 p.m...	Montreal - Sherbrooke Highway.	Que. A-27.....	Train coming at same time. Autobus did not make statutory stop at crossing and with approaching train.
Apr. 27.....	6.25 p.m...	" "	"	
Apr. 28.....	6.19 p.m...	" "	"	
Apr. 27.....	5.00 a.m...	Dundas St., London, Ont..	Ont. 923-L-3....	150 to 200 ft. distant proceeded over King. Driver of auto failed to heed stop sign held by yardman protecting crossing and barely missed being struck by cars being shoved over crossing by yard engine.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)

NEW BRUNSWICK DISTRICT

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Nov. 2.....	4.20 p.m...	Douglas Avenue, Saint John, N.B.	N.B. 4-629.....	Auto drove under gate while being lowered and stopped on crossing. Bell was ringing.
Nov. 16.....	2.15 p.m...	Main Street, Fairville, N.B.	N.B. C-1522....	Auto drove under gates while being lowered and stopped on crossing. Bell was ringing.
Nov. 21.....	1.20 p.m...	Main Street, Fairville, N.B.	N.B. 4-709.....	Auto struck and damaged gate while it was lowered. Bell was ringing.
Dec. 15.....	8.00 p.m...	Douglas Avenue, Saint John N.B.	Unable obtain..	Auto struck and damaged gate while in lowered position. Bell was ringing.
1939				
Jan. 1.....	12.20 a.m...	Main Street, Fairville, N.B.	N.B. 6-243.....	Auto damaged tip of east gate by striking while in lowered position. Bell was ringing.
Jan. 2.....	9.35 p.m...	Douglas Avenue, Saint John, N.B.	.....	Auto ran through east gate and damaged it. Gates down and warning bell ringing.
Jan. 5.....	5.15 p.m...	Main Street, Fairville, N.B.	N.B. 33-195.....	Auto struck west gate while in lowered position and damaged it. Bell ringing.
Jan. 6.....	11.45 a.m...	King Street, Milltown, N.B. (unprotected).	N.B. 8159.....	Auto skidded on icy highway and ran into side of engine.
Jan. 24.....	9.17 a.m...	Marysville Road, Devon, N.B. (unprotected).	N.B. 27675.....	Auto ran into side of gas-electric car. Driver slightly injured.
Feb. 11.....	2.15 p.m...	Main Street, Fairville, N.B.	N.B. 2-284.....	While gates being raised chain broke and gate dropped back onto roadway. Auto which had started for crossing struck east gate damaging it.
Feb. 27.....	12.05 a.m...	Main Street, Fairville, N.B.	N.B. 3-3005.....	Auto struck west gate while in lowered position damaging it. Bell was ringing.
Mar. 2.....	10.15 a.m...	Epworth Park, Mileage 11.1 Saint John Sub-division (unprotected).	.....	When horse and sled passing over crossing horse fell and was struck by train.
Mar. 3.....	4.15 p.m...	Public, Deep Creek, M. 63-26, Shogomoc Sub-division (unprotected).	N.B. 26-502.....	Auto stalled on crossing and struck by train.
Mar. 23.....	4.30 p.m...	Stickney Highway Crossing M. 70 Shogomoc Sub-division (unprotected).	N.B. C-3206....	As train approached crossing engineer observed truck loaded with logs draw up and stop, then start and go over crossing just getting over so that end of logs sticking out behind just cleared front of engine by inches. Driver stated he thought he had lots of time and appeared quite unconcerned.

QUEBEC DISTRICT

1938				
Oct. 21.....	3.42 p.m...	Highway, M. 18-8, Adirondack Subdivision, Iberville Jct.	Que. F-21-560...	Driver of truck heard crossing bell and also saw train coming but thought he could get over crossing ahead of it; however train struck rear corner of truck. Wigwag was operating at time.
Nov. 7.....	1.30 p.m...	Bridge Street, Quebec....	Que. T-4575.....	Warning bell had been sounded and crossing gates were being lowered. Taxi travelling from north to south approached crossing but did not stop—the southeast gate was struck and broken. The taxi continued on.

CANADIAN PACIFIC RAILWAY—Continued

QUEBEC DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Nov. 13.....	6.40 p.m...	Crown Street, Quebec.....	Que. T-1278.....	Crossing gates had been raised when taxi which had stopped on south side moved ahead before gates were raised clear and struck south east gate.
Nov. 13.....	10.15 a.m...	Côte de Liesse Road, Dorval, P.Q., Winchester Subdivision.	Que. 35207.....	Ford car ran into and broke north gate—all iron damaged and woodwork completely damaged.
Nov. 21.....	8.50 a.m...	Public, M. 7-30, Winchester Subdivision.	Que. 160161.....	Chevrolet Coach ran into side of engine.
Nov. 28.....	10.45 p.m...	Crown Street, Quebec.....	Que. 168670.....	Crossing gates lowered for movement yard engine when auto failed to stop and southeast gate was struck and broken—auto moved over crossing and under northeast gate, lamp on gate being broken.
Nov. 29.....	4.01 p.m...	St. Valier St., Quebec.....	Que. 2196.....	Crossing gates had been lowered when auto ran through gates breaking tip off gate continuing on.
Dec. 3.....	5.55 p.m...	Crown Street, Quebec.....	Que. 7401.....	Crossing gates lowered when auto failed to stop and broke both gates at east side of crossing.
Dec. 15.....	10.23 p.m...	St. Valier St., Quebec.....	Que. 6979.....	Crossing gates had been lowered when auto failed to stop and ran through gate on south side and moved onto crossing and was struck on left rear side of engine. Auto continued moving and struck crossing gate on north side breaking same.
Dec. 24.....	3.48 p.m...	Bonaventure St., Trois Rivières, Que.	Que. L-2123.....	Crossing gates lowered when truck running slowly moving from north to south failed to stop before striking and breaking the north side gate. There were two men on truck and advised Leverman that they had not heard warning bell which had been sounded before gates were lowered.
Dec. 28.....	7.03 a.m...	Beaubien St., Montreal, Que.	Que. 78765.....	Crossing gates lowered and train passing over crossing when auto failed to stop and struck and broke southwest gate and ran into side of van. Driver stated occurrence due to car skidding.
1939				
Jan. 3.....	8.30 p.m...	Gouin Blvd., Bordeaux, Que.	.....	Auto travelling from west to east failed to stop before striking arm of northwest gate breaking it. Driver advised gateman he had done his best to stop auto but brakes did not take firm hold.
Jan. 3.....	7.00 p.m...	Chamber St., M. 0-3, Brockville Subdivision (unprotected).	Ont. 4-S-392.....	When approaching crossing driver of auto noticed train and endeavoured to stop but light snow caused car to skid onto crossing ahead of train and stalled. No personal injury as driver stepped out of car.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Jan. 10.....	12.29 p.m....	Westminster Ave., Montreal West.	Que. A-377.....	Autobus travelling from south to north failed to stop before striking and breaking the tip of southeast gate barrier which had been lowered for movement of passenger train.
Jan. 24.....	5.30 a.m....	Rockland Avenue, Outremont.	.....	Crossing gates lowered and horse-drawn milk wagon had stopped clear of north gate. When yard engine moved on to crossing the horse became frightened and attempted to run striking north gate arm of which was broken.
Jan. 25.....	10.10 p.m....	St. Redempteur St., Hull, M. 89-27 M. & O. Subdivision (unprotected).	Que. F-11-450...	Truck skidded into tender of engine.
Jan. 27.....	11.26 a.m....	Mileage 86-9, Sherbrooke Subdivision, Magog, (unprotected).	Que. F-18-570...	Driver drove truck onto crossing ahead of train without looking to see if train was approaching. Train stopped with emergency application but not before rear of truck was struck.
Feb. 2.....	1.08 p.m....	Bonaventure St., Trois Rivieres, Que.	Que. A-598.....	While crossing gates lowered autobus from south to north attempted to pass under gates. Bus struck south gate breaking it.
Feb. 2.....	7.15 a.m....	Highway crossing, Winchester Station.	.....	Section Foreman found wigwag on south side of track had been damaged. He found lens of banner light 200' north of crossing with banner and shield badly bent. Marks in snow indicated truck going north had swerved sharply off pavement near wigwag.
Feb. 4.....	2.27 p.m....	Public Highway, St. Scholastique, M. 32-48, Lachute Subdivision (unprotected).	Que. 75657.....	As train approached station whistle signal sounded at mileboard and crossing whistle signals sounded for two crossings west of station. Auto travelling south to north failed to stop and struck by locomotive. Driver killed; two other passengers injured. Auto completely demolished.
Feb. 6.....	10.54 a.m....	Champlain St., St. Johns, Que. (unprotected).	Que. F-22-331...	Driver of truck did not stop for crossing and drove across track ahead of train. Brakes applied in emergency on train but right buffer beam of engine struck rear of truck.
Feb. 9.....	7.10 p.m....	Sanche Street, Ste. Therese (unprotected).	Que. X-2038.....	Train moving over acrossing auto travelling from south to north failed to stop and struck rear end of last coach on train. Engine bell ringing and whistle sounded for crossing.
Feb. 11.....	2.47 p.m....	Public Highway, M.48-65, Lachute Subdivision (unprotected).	.....	As train approached crossing engineer noticed sleigh drawn by two horses coming to crossing from north side and as it did not appear that driver would stop, engineer made service application of brakes and kept whistle blowing then applied brakes in emergency. Engine struck rear of sleigh. Driver was accompanied by sister.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Feb. 11.....	2.35 a.m...	Cote St. Luc Road, M. 44-98; Adirondack Sub- division (unprotected).	Que. 65131.....	Train was about to proceed over crossing when engineer noticed auto approaching from west side and figuring it would stop clear of crossing applied brakes in emergency and auto struck right side of engine at No. 4 driving wheel. Two passengers in auto besides driver, none were injured—auto damaged considerably.
Feb. 18.....	5.40 p.m...	Montcalm St., Hull, Que..	Ont. 78-U-60....	Gateman lowered gates to hang out signal lamps. Auto going south on Montcalm St. drove under northwest gate. Auto cleared gate but skis which were fastened in upright position at back caught on gate and broke off about ten feet of it.
Feb. 18.....	6.45 p.m...	Montcalm St., Hull, Que., Hull West Yard.	Que. 91-115.....	While repairing gates which had been damaged gates were lowered with lamps on them and red lamp on ground. Auto ran into gates and broke southeast gate completely off.
Mar. 3.....	5.20 p.m...	Carillon Street, Quebec...	.....	As train was passing over Carillon Street crossing engine struck sleigh loaded with snow. Sleigh was being drawn by team of horses and driver stated he had attempted to stop when sleigh was about 15 feet from crossing by turning horses towards the west. The sleigh slid along roadway towards the track and engine struck box of sleigh and damaged it.
Mar. 11.....	10.05 a.m...	Bridge Street, Que.....	Que. A-492.....	While crossing gates in upright position autobus travelling over crossing from north to south moved too close to side and rear wheel struck and broke the gate casting of southwest gate.
Mar. 15.....	7.30 p.m...	Moffatts Crossing, Pem- broke, Ont.	Ont. 54-U-7.....	Train had stopped with third car from van on crossing when northbound auto ran into train; front of auto was driven underneath car. Occupants under influence of liquor. One passenger injured and taken to hospital. Crossing protected by wigwag which was working. Engine whistle sounded and bell ringing.
Feb. 4.....	5.25 p.m...	St. Hyacinthe St., Hull, Que.	Ont. 1-F-645.....	Engine running light, tender first, was backing from Ottawa Union Station to Ottawa West. Auto approached at slow rate of speed, skidded on slippery rails of Hull Electric car tracks (at which crossing there is a diamond crossing with Hull Elec. Ry.) auto ran into rear of tender of engine. Crossing bell in good condition and ringing.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Mar. 22.....	10.55 a.m....	Ste. Madeleine Blvd., Cap de la Madeleine, (unprotected).	Que. 145632.....	While plough extra was backing out of siding struck auto which stopped on crossing foul of train.
Mar. 22.....	1.42 a.m....	Rockland Ave., Outremont.	Que. T-1620.....	Crossing gates lowered when taxi failed to stop before striking south gate barrier breaking two wooden braces of same. Driver stated his car had skidded on icy road when brakes applied.
Mar. 23.....	11.40 p.m....	Beaubien St., Montreal....	Que. 142597.....	Crossing gates had been lowered when auto failed to stop before striking the southwest gate barrier breaking the cast iron gate post, also the barrier which prevents pedestrians crossing over sidewalk.
Mar. 25.....	7.29 a.m....	Beaubien St., Montreal....	Que. F-5522.....	Northeast and southeast gate barriers lowered and watchman lowering southwest and northwest gates to protect crossing for movement of passenger train. Truck parked on street near N.W. side backed up to enter roadway to Canada Dry Co's plant and truck came in contact with descending N.W. gate barrier which was broken.
Mar. 27.....	5.35 p.m....	Mileage 1.9 St. Guillaume Sub. (unprotected).	Que. 70045.....	Truck loaded with stone did not stop at crossing and ran into right cylinder of engine.
Mar. 30.....	9.45 p.m....	Public, m. 71.78 Winchester Sub. 2nd east of Finch. (unprotected).	Ont. 2285-C.....	Train struck empty gasoline truck travelling north to south, and was stuck on crossing when train arrived. Driver stated he had cut crossing too short and got down off plank. Engine whistle sounded for crossing; engine bell also ringing.

ONTARIO DISTRICT

1938				
Oct. 18.....	10.50 p.m....	Centre St., Chatham, Ont. ....	.....	Auto ran into south gate arm and broke it as gates being lowered.
Nov. 3.....	5.05 p.m....	William St., Chatham, Ont.	Ont. 87-F-14.....	While gates lowered to enable watchman to put on lights auto ran into south gate arm breaking same.
Nov. 18.....	10.30 p.m....	Front St. at Spadina Ave., Toronto, Ont.	Ont. 1-P-822.....	While all gates down and red lights burning as well as City lights, auto driven through north half of gate at speed of about 40 m.p.h. breaking same.
Nov. 28.....	8.35 a.m....	Queen Street, Guelph, Ont.	Ont. 14-C-1.....	Auto skidded on icy road into side of car attached to yard engine. Engine whistle sounded—crossing bell and wigwag working.
Nov. 29.....	5.25 p.m....	Quebec St., London, Ont. .	Ont. 971-X-1....	Auto came from north at too rapid a rate, skidded on icy pavement and narrowly missed colliding with yard engine.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ONTARIO DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Dec. 15.....	9.45 p.m...	Guelph Road, Campbellville, Ont.	Ont. 3-R-59.....	Auto stalled about one foot from rail and locomotive struck rear of car damaging same. Crossing bell ringing and whistle signals given.
Dec. 15.....	7.10 p.m...	Adelaide St., London, Ont.	Ont. 7-F-39.....	Auto did not stop for watchman's stop signal with red lantern but drove by standing autos crossing track in front of train.
Dec. 16.....	12.07 a.m...	Dufferin St., Toronto, Ont.	NY 7-E-45-78...	With all gates down southbound auto ran through north gate and was struck by tender step of engine which was making back-up movement, then ran through gate and overturned just clear of gate.
Dec. 19.....	10.35 a.m...	Elora Road, Guelph, Ont..	Ont. 7-D-118....	As train approached wigwag started. Driver applied brakes skidding on icy roadway into wigwag signal and over main line rail. Train stopped before reaching crossing and did not strike auto.
Dec. 19.....	10.35 a.m...	Elora Road, Guelph, Ont.	Ont. 1-X-152....	Auto skidded off road at northwest side of crossing when wigwag started working.
Dec. 21.....	8.01 a.m...	Eramosa Road, Guelph, Ont.	Ont. 26497-C....	Truck skidded on fresh snow fifty feet into lowered gate arm breaking same.
Dec. 21.....	11.05 a.m...	Richmond St., London, Ont.	Ont. 7-F-375....	Auto unable to stop on slippery roadway broke off southeast gate arm; also ran through north gate before able to stop.
Dec. 22.....	2.40 a.m...	Osler Ave., Toronto, Ont..	Ont. 83-E-76....	Warning bell sounded and crossing gates lowered when auto was about 300 yards from crossing. Due to slippery condition of roadway auto was unable to stop and struck crossing sign and gate stand, damaging same considerably.
Dec. 23.....	5.35 p.m...	Osler Ave., Toronto, Ont..	Ont. 73808.....	All gates lowered when truck approached from south and skidded due to slippery condition of roadway breaking points on both south gates.
Dec. 24.....	6.15 p.m...	Front St. at Spadina Ave., Toronto, Ont.	Ont. 40-C-7.....	While all gates down and red lights on same burning as well as City lights, westbound auto skidded through gate and came to stop about six feet from engine.
Dec. 31.....	7.35 p.m...	Richmond St., London, Ont.	Greyhound Bus No. 12.	Bus stopped directly under northwest gate arm, preventing gateman from lowering it and endangering public.
Jan. 1.....	4.00 a.m...	Waterloo St., London, Ont.	.....	Auto ran through crossing gates without stopping. Gates had been lowered for approach of yard engine.
Jan. 11.....	1.10 a.m...	Mileage 49-49, Thamesville, Ont.	Ont. 98-X-17....	As train had pulled in on passing track auto ran into north side of same.
Jan. 11.....	12.50 p.m...	Durham Road, M. 32-85, Walkerton Subdivision (unprotected).	Ont. 78619-C....	Truck skidded into rear of tender.
Jan. 13.....	7.40 p.m...	Richmond St., London, Ont.	Ont. 1-F-83.....	Gates down for passenger train when auto slid under gate arm damaging roof of auto. Crossing bell ringing and gate lamps burning.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ONTARIO DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Jan. 13.....	2.30 p.m...	Brock Road, M. 84-3, Oshawa Subdivision (unprotected).	Ont. 91-D-52....	Auto ran on track in front of train and was struck resulting in driver being seriously injured.
Jan. 16.....	2.00 a.m...	Front St. at Spadina Ave., Toronto, Ont.	Ont. 589-Z-8....	All gates were down and light burning protecting against approaching engine when east-bound auto was driven through centre of No. 5 gate. Driver stated did not see gate.
Jan. 18.....	12.55 p.m...	Mileage 44-07, Thamesville, Ont. (unprotected).	Ont. 28651-C....	Auto ran into south side of engine on train damaging engine and truck. Driver of truck had no license.
Jan. 21.....	6.50 p.m...	Front Street at Spadina Ave., Toronto.	Ont. 53-B-66....	When gates down and lights burning auto going east on Front St. was driven through No. 5 gate. Driver stated smoke from nearby engine obstructed vision.
Jan. 22.....	12.25 a.m...	Kipling Avenue, M. 9-5, Galt Subdivision (unprotected).	.....	Auto ran into side of train. Had disappeared by time crew got to crossing.
Jan. 22.....	6.14 p.m...	Brock Road, M. 84-3, Oshawa Subdivision (unprotected).	Ont. 5-A-276....	Auto skidded on icy road and ran into side of box car.
Feb. 1.....	1.40 p.m...	Richmond Street, London, Ont.	Ont. 23-F-59....	Auto slid into northwest gate arm and cracked it.
Feb. 4.....	8.45 p.m...	Pall Mall St., London, Ont.	Ont. 6-F-941....	Auto drove under east gate as being lowered into tracks in front of yard engine.
Feb. 10.....	5.15 p.m...	McLennan Avenue, Toronto, Ont.	Ont. 348-M-1....	Although warning bell sounded auto drove under north gate and prevented it being fully lowered to protect against approaching train.
Feb. 11.....	1.35 p.m...	Victoria Road, Guelph, Ont.	Ont. 400-L-5....	Train struck auto on crossing injuring mother and two daughters. Engine whistle and engine bell warning signals given. Driver apparently failed to look and listen.
Feb. 12.....	6.40 a.m...	Richmond St., London, Ont.	Ont. 12723-C....	Truck going too fast to stop in time ran into northwest and southwest gate arms breaking same.
Feb. 13.....	11.00 a.m...	Joseph St., Brampton, Ont.	Ont. 47094-C....	Truck came onto crossing as train approached, and was struck.
Feb. 15.....	1.00 p.m...	Raleigh St., Chatham, Ont.	Ont. 96-B-68....	Northbound auto passed over tracks without stopping and narrowly missed being struck by engine with four cars backing out of siding on to main line.
Feb. 16.....	3.10 p.m...	Front Street at Spadina Ave., Toronto, Ont.	Ont. 5-C-640....	When all gates down testing signal, auto which was in gasoline service station backed around and struck gate which protects service station traffic breaking point of gate.
Feb. 16.....	10.45 a.m...	Public crossing M. 2-94, Wingham Subdivision (unprotected).	Ont. 39367-C....	Truck crossed immediately in front of train (snowplow) and wing of plow caught rear of truck.
Feb. 19.....	9.57 p.m...	McLennan Avenue, Toronto, Ont.	Ont. 312-C-1....	Warning bell sounded and gates lowered to protect against snowplow extra, just as plow had passed over crossing a southbound auto ran through northwest gate breaking point, narrowly missed striking snowplow.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ONTARIO DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Feb. 28.....	9.50 p.m....	No. 2 Highway, East of Chatham.	Ont. 275-4-C....	Truck equipped with snowplow stalled at railway crossing foul of track. Driver made no attempt to flag passenger train which struck snowplow, damaging truck and locomotive. Crossing protected by wigwag.
Feb. 28.....	10.35 a.m....	Mileage 31.7, Milton, Ont.	Ont. 8-D-40.....	Auto stalled on crossing. Train stopped before hitting auto and crew assisted getting auto off track.
Mar. 2.....	9.40 a.m....	McLennan Ave., Toronto, Ont.	Ont. 8-B-245.... 689-C.....	Auto stalled on crossing, blocking east and west main line tracks and while standing on tracks, truck struck rear of auto damaging both vehicles and blocking north and south-bound traffic for about 15 miles.
Mar. 9.....	9.43 p.m....	Richmond St., London, Ont.	Ont. 5-F-778.....	Auto ran into and broke off northwest gate arm. Driver stated he did not see the gates until too close to stop. Gate lanterns burning.
Mar. 10.....	10.10 p.m....	Richmond St., London, Ont.	Ont. 805-L-2.....	Gates down when auto turned out and passed two other cars, also car standing at gate barrier, and went through southeast gate arm and broke same.
Mar. 11.....	2.30 p.m....	Dennison Ave., M.3.17 MacTier Subdivision.	Ont. 1-B-274....	Auto ran into first car behind engine, although wigwag which protects this crossing was functioning properly.
Mar. 13.....	9.45 p.m....	Waterloo St., London, Ont.	Ont. 9-A-186....	Auto slid 200 feet on road into northwest gate arm and broke it. Roadway very icy.
Mar. 14.....	9.32 a.m....	Mileage 15.86 Goderich Subdivision.	Ont. 2-R-929....	Train struck car at crossing. Driver of auto failed to see approach of train or hear whistle and bell signals given.
Mar. 15.....	3.55 p.m....	Mileage 62.48, near Millbank.	Ont. 2-D-777....	Auto struck on crossing by freight train and two men were killed. Driver of auto apparently failed to note approach of train although he had clear view, nor hear engine whistle or bell signals.
Mar. 21.....	11.47 a.m....	Tecumseh St., Orillia, Ont. (unprotected)	Ont. 1-C-481....	Auto ran in front of train and was struck.
Mar. 22.....	10.39 a.m....	Provincial Highway No. 7, M. 33. 5 Goderich Subdivision.	Ont. 97-V-55....	Auto skidded 93 feet on icy pavement into side of motor car. Bell and whistle sounded and two sectionmen at crossing giving stop signals.
Mar. 24.....	11.10 p.m....	Front Street at Spadina Ave., Toronto, Ont.	Ont. 59-K-70....	Westbound auto travelling at estimated speed of 45 m.p.h. drove through No. 6 gate and stopped on track almost in front of string of cars being pushed over crossing. City lights and all warning lights burning.
Mar. 21.....	9.10 a.m....	Elm St., Sudbury, Ont....	Ont. 83749-C....	Truck struck and broke southwest crossing gate.
Jan. 16.....	6.15 a.m....	Elm St., Sudbury, Ont....	Ont. 183112-C....	Auto ran into gate and broke arm.
Jan. 18.....	1.15 a.m....	Riverside St., Sudbury, Ont. (unprotected).	Ont. 55-T-70....	Drove into end of van being switched over crossing.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—*Concluded*ONTARIO DISTRICT—*Concluded*

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Jan. 20.....	10.40 p.m....	Elm St., Sudbury, Ont....	Ont. 48-T-42....	Auto ran into gate and broke arm.
Jan. 21.....	9.37 a.m....	Mileage 17.85, Thessalon Subdivision (unprotected).	Ont. 62887-C....	Drove onto track in face of approaching train.
Feb. 8.....	8.23 p.m....	Mileage 63.1, Nipigon Subdivision (unprotected).	Ont. 59666-C....	Drove into side of express car as train was passing over crossing.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)

MANITOBA DISTRICT

1938				
Nov. 27.....		Mileage 1.75, Keewatin Subdivision.	Ont. 57968-C....	When light engine going from Kenora to Keewatin over crossing which is protected by bell, at a speed of ten to twelve miles per hour auto ran into side of engine striking same between left footboard and cylinder. Driver admitted he had been drinking and was driving with windows of cab closed which were frosted up. claims he did not see nor hear engine or warnings at crossing.
Oct. 31.....		Plinquet St., St. Boniface, Man.	Man. 18-038.....	During switching operations watchman signalled auto to stop by holding up red lantern; auto swerved around watchman and crossed tracks. Driver stated he thought he had plenty of time to get over crossing ahead of engine.

SASKATCHEWAN DISTRICT

REGINA DIVISION

1938				
Oct. 28.....	8.30 K.....	Winnipeg St. Regina-Tyvan subdivision.....	{Man. 3-190....} {Man. 9-516....} {Man. C-408....} {Man. C-83....} {Man. 67-430....}	In all cases vehicles moved over crossing when bell was ringing and train approaching.
Nov. 10.....	10.49 k.....	Winnipeg St., Regina-Tyvan subdivision.	Sask. 60-481....	Vehicle moved over crossing when bell ringing and train approaching.
Nov. 18.....	10.50 K.....	Winnipeg St., Regina-Tyvan subdivision.	Sask. 61-617....	Vehicle moved over crossing when bell ringing and train approaching.
Dec. 8.....	10.50 K.....	Winnipeg St., Regina-Tyvan subdivision.	{Sask. 4-126....} {Sask. 5-051....}	Vehicles moved over crossing when bell ringing and train approaching.
Dec. 17.....	8.37 K.....	Winnipeg St., Regina-Tyvan subdivision.	Sask. 67-258....	Vehicle moved over crossing when bell ringing and train approaching.
Dec. 30.....	8.40 K.....	Winnipeg St., Regina-Tyvan subdivision.	Sask. T-980....	Vehicle moved over crossing when bell ringing and train approaching.
Oct. 11.....	8.10 K.....	Elphinstone St., Regina, Sask.	Sask. 65-172....	Vehicle moved over crossing when bell ringing and train approaching.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Concluded

REGINA DIVISION—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Oct. 26.....	15.50 K.....	Elphinstone St., Regina, Sask.	Sask. 60-789.....	Vehicle moved over crossing when bell ringing and train approaching.
Dec. 18.....	22.10 K.....	McLean Yard, Indian Head subdivision.	Sask. 73-706.....	Auto ran into side of engine which after making station stop was proceeding slowly to coal dock.
1939				
Jan. 24.....	10.48 K.....	Winnipeg St., Regina, Sask.	Sask. 205, T-207.	Vehicle moved over crossing when bell ringing and train approaching.
Mar. 1.....	15.15 K.....	Elphinstone St., Regina, Sask.	Sask. 5-537.....	Vehicle moved over crossing when bell ringing and train approaching.
Mar. 3.....	15.15 K.....	Elphinstone St., Regina, Sask.	Sask. 2-337.....	Vehicle moved over crossing when bell ringing and train approaching.
Mar. 18.....	13.20 K.....	Elphinstone St., Regina, Sask.	Sask. 4-628.....	Vehicle moved over crossing when bell ringing and train approaching.

SASKATCHEWAN DISTRICT

Saskatoon Division

1938				
Oct. 1.....	8.20 K.....	Avenue A, Saskatoon, Sask.	Motorcycle No. 164	Disregarded stop signal and crossed tracks just ahead of Extra Freight from West.
Oct. 1.....	12.37 K.....	Broadway, Yorkton, Sask.	Sask. 20-048.....	Crossed over in front of engine regardless of stop signal.
Oct. 2.....	15.19 K.....	Broadway, Yorkton, Sask.	Sask. 27-817.....	Regardless of stop signal passed over in front of engine.
Oct. 2.....	15.10 K.....	Broadway, Yorkton, Sask.	Sask. 40-889.....	Turned on main line right in front of engine regardless of red light.
Oct. 2.....	19.45 K.....	Broadway, Yorkton, Sask.	Sask. 28-185.....	Disregarded stop signal and crossed tracks just ahead of engine very close.
Oct. 6.....	15.38 K.....	Broadway, Yorkton, Sask.	Sask. 20-000.....	Crossed right in front of engine although stop signal displayed.
Oct. 7.....	11.17 K.....	Broadway, Yorkton, Sask.	Sask. 28-252.....	Although stop signal was dis- played crossed over in front of engine.
Oct. 7.....	10.50 K.....	Broadway, Yorkton, Sask.	Sask. 28-209.....	Regardless of stop signal crossed over tracks just ahead of engine.
Oct. 7.....	8.05 K.....	Broadway, Yorkton, Sask.	Sask. 5-231.....	Disregarded stop signal and crossed over in front of engine very close.
Oct. 7.....	18.30 K.....	Broadway, Yorkton, Sask.	Sask. 51-160.....	Although stop signal displayed crossed over very close in front of engine.
Oct. 8.....	19.24 K.....	Broadway, Yorkton, Sask.	Sask. 28-273.....	Regardless of stop signal passed over in front of engine.
Oct. 8.....	19.15 K.....	Broadway, Yorkton, Sask.	Sask. 27-967.....	Signal displayed for stop but car passed in front of engine.
Oct. 9.....	17.10 K.....	Broadway, Yorkton, Sask.	Sask. 11-836.....	Disregarded stop signal and crossed over in front of engine.
Oct. 10.....	19.30 K.....	Broadway, Yorkton, Sask.	Sask. 19-901.....	Crossed over in front of engine although stop signal displayed.
Oct. 14.....	10.00 K.....	Broadway, Yorkton, Sask.	Sask. 1001.....	Disregarded stop signal and passed over in front of engine.
Oct. 15.....	11.20 K.....	Broadway, Yorkton, Sask.	Sask. 61-633.....	This car passed very close in front of engine although stop signal displayed.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—*Concluded*SASKATCHEWAN DISTRICT—*Concluded*Saskatoon Division—*Concluded*

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1938				
Oct. 16.....	11.10 K.....	Broadway, Yorkton, Sask.	Sask. 29-120.....	Disregarded stop signal and passed over in front of engine very close.
Oct. 19.....	12.42 K.....	Broadway, Yorkton, Sask.	Sask. 27-740.....	Disregarded stop signal and passed over in front of engine.
Oct. 22.....	9.45 K.....	Broadway, Yorkton, Sask.	Sask. 28-998.....	Regardless of stop signal passed over in front of engine.
Oct. 26.....	12.32 K.....	Broadway, Yorkton, Sask.	Sask. 27-744.....	Although stop signal displayed crossed over in front of engine.
Oct. 27.....	6.00 K.....	Broadway, Yorkton, Sask.	Sask. A-214.....	Passed over right in front of engine although stop signal displayed.
Oct. 30.....	12.22 K.....	Broadway, Yorkton, Sask.	Sask. 28-048.....	Passed over in front of pushed cars, although stop signal displayed.
Nov. 6.....	18.05 K.....	Broadway, Yorkton, Sask.	Sask. 25-327.....	Disregarded stop signal and passed in front of engine.
Nov. 18.....	17.55 K.....	Broadway, Yorkton, Sask.	Sask. 29-135.....	Disregarded stop signal and passed in front of engine.
Nov. 18.....	19.40 K.....	Broadway, Yorkton, Sask.	Sask. 27-722.....	Crossed over in front of engine although stop signal displayed.
Nov. 26.....	16.10 K.....	Broadway, Yorkton, Sask.	Sask. 1-453.....	Although stop signal displayed crossed right in front of engine.
Nov. 30.....	19.40 K.....	Broadway, Yorkton, Sask.	Sask. 3-715.....	Crossed over right in front of engine against red light displayed.
Dec. 1.....	17.22 K.....	Broadway, Yorkton, Sask.	Sask. 29-023.....	Passed over in front of engine pushing cars, although red light displayed.
Dec. 5.....	15.16 K.....	Broadway, Yorkton, Sask.	Sask. 75-414.....	Disregarded stop signal and crossed in front of engine very close.
Dec. 10.....	16.10 K.....	Broadway, Yorkton, Sask.	Sask. 28-505.....	Regardless of stop signal crossed over in front of engine.
1939				
Jan. 26.....	14.00 K.....	Broadway, Yorkton, Sask.	Sask. 22-945.....	Disregarded stop signal and passed over in front of engine.
Jan. 26.....	15.40 K.....	Broadway, Yorkton, Sask.	Sask. 28-196.....	Disregarded stop signal and crossed tracks just ahead of cars being pushed by engine.
Feb. 10.....	20.05 K.....	Broadway, Yorkton, Sask.	Sask. T-170.....	Disregarded red light and was nearly struck by engine moving out on elevator track.
Feb. 16.....	15.27 K.....	Broadway, Yorkton, Sask.	Sask. 29-560.....	Disregarded stop signal and crossed tracks just ahead of engine.
Feb. 16.....	15.50 K.....	Broadway, Yorkton, Sask.	Sask. T-3-733.....	Disregarded stop signal and crossed tracks just in front of cars being pushed by engine.
Mar. 3.....	19.40 K.....	Broadway, Yorkton, Sask.	Sask. 27-919.....	Car passed over in front of train against red light. Very close.
Mar. 30.....	15.35 K.....	Broadway, Yorkton, Sask.	Sask. 27-707.....	Disregarded stop sign and crossed tracks just ahead of train.

ALBERTA DISTRICT

1938				
Nov. 1.....	22.00 K.....	4th Street West, Calgary, Alta.	Alta. 14.244.....	Auto was driven too close to gate in upraised position. Gate damaged and had to be replaced.
1939				
Jan. 12.....	1.45 K.....	Allowance Avenue, Medicine Hat, Alta.....	Sask. 6-752.....	Car ran into gates breaking one lantern. Owner of car paid for lantern.

STATEMENT OF MISHAPS AT PUBLIC AND PRIVATE CROSSINGS WHERE NO
PERSONAL INJURY INVOLVED FROM JULY 1 TO DECEMBER 31, 1938

MANITOBA DISTRICT

Division	Date	Location	Particulars
KENORA.....	Aug. 8...	Rural Highway Crossing, M.P. 23-33, Kam. Sub-division.	Light engine struck Hupmobile Sedan, 1935 model, Licence, Ontario 530-S-5. Auto was standing waiting for West-bound extra to pass and driver failed to hear or see engine approaching on Eastbound track.
FORT WILLIAM TERMINALS.....	Sept. 3...	Manitou Street, Port Arthur, Ont., M.P. 126-83.	While yard engine pushing four cars and coach over crossing was struck by automobile Licence No. 400-S-7, due to driver failing to observe cars passing crossing.
KENORA.....	Sept. 6...	Private crossing to Champ-ton Mine, M.P. 138-4, Ignace Subdivision.	While Extra West travelling at a speed of about 35 miles per hour, was rounding curve, struck Chevrolet Sedan, Ontario Licence 50-X-41, driven off east end of crossing planks and stalled with right wheels between rails and was unable to get out of that position. Engineer set brakes in emergency but was unable to stop before striking auto. Crossing in good condition and planks standard length.
PORTAGE.....	Nov. 20...	1st Public crossing west of Neepawa station, M.P. 61-16, Mdsa. Subdivision.	While engine pulling into Neepawa yard at a speed of about ten miles per hour, a 1929 Chrysler auto, Manitoba licence 68-925 ran into the side of 34th car from engine.
	Dec. 26...	1st Public crossing west of Elm Creek, M.P. 44, Glenora Subdivision.	While train passing over crossing at speed of about 20 miles per hour, a 1934 Plymouth coach, Sask. licence 9-038 ran into side of engine.
BRANDON.....	Sept. 10...	Main Street crossing, Minnedosa.	While Extra North passing over crossing struck Ford motor truck.
	Dec. 11...	Public Crossing over Wye at Bienfait, Sask.	While engine going around Wye with six cars in advance of engine struck Chevrolet Sedan, Sask. licence 66281 on public crossing. Trainman was riding leading car and attempted to attract attention of occupants of car by swinging lantern and shouting. Whistle sounded and bell ringing.

SASKATCHEWAN DISTRICT

REGINA.....	Dec. 18...	No. 1 Highway Crossing, McLean Yard.	Plymouth sedan ran into side of engine which, after making station stop was proceeding slowly to coal dock. This crossing is protected by wigwags, lights and bells, which were operating. Visibility good and engine bell ringing.
SASKATOON.....	July 7...	First crossing west of Saskatoon.	Hand car moving slowly on main track westbound with object of performing track work on private siding. As it passed over crossing it contacted with rear fender of Sedan. Mixed train was standing at station preparatory to pulling out and engine was standing with pilot and front end partly on crossing and sectionman assumed engine was blocking crossing and failed to see car which passed in front of engine at a slow speed.

STATEMENT OF MISHAPS AT PUBLIC AND PRIVATE CROSSINGS WHERE NO PERSONAL INJURY INVOLVED FROM JULY 1 TO DECEMBER 31, 1938—Continued

SASKATCHEWAN DISTRICT—Concluded

Division	Date	Location	Particulars
SASKATOON	July 19...	First station west end Theodore Yard.	Train was travelling at approximately 35 miles per hour through Theodore when Ford truck struck step between engine and tender. Statutory signals were given for crossing. Truck was seen previous to mishap driving slowly from a westerly direction and was seen to turn onto crossing approach when it was expected to stop, but did not do so and struck train. Driver of car admitted his brakes did not work.
	July 17...	First crossing east of Cheviot Station.	Extra West had stopped at crossing to head into Cheviot and conductor had to walk 35 car lengths to cut the crossing and was about 12 cars from crossing when an old automobile with only one headlight burning, struck train. Auto was being driven at a speed of about 25 miles per hour and driver did not see train until too late to stop.

ALBERTA DISTRICT

MEDICINE HAT.....	Aug. 18...	Success Mileage 13·7, Empress Subdivision.	Chevrolet Sedan, Manitoba licence No. 72-833 travelling north on public road did not see nor hear train until almost on crossing, swung car to left alongside track and escaped with no damage other than long dent in right front fender where it had been scraped by left front cylinder head.
LETHBRIDGE.....	Sept. 7...	Mileage 58-82, Lomond Subdivision.	Train struck Dodge truck, Alberta licence D-21034. There were two other passengers, one in cab and other in rear.
CALGARY.....	Aug. 5...	Calgary, 8th Street East.....	Yard engine struck Ford Sedan, Alberta licence 16-275. Driver failed to see yard engine backing over crossing.
EDMONTON.....	Sept. 18...	Mile 99, Coronation Subdivision.	Ford Truck, 1929 model, Alberta licence 22662 was struck on crossing by train running at speed of about 20 miles per hour damaging truck. Truck driver drove onto track in front of train.
	Oct. 26...	Mile 94·7, Wetaskiwin Subdivision.	Ford V-8, 1937 model, Alberta licence 3155 ran into side of train on crossing. Auto driver failed to stop at crossing while train passing over same.
	Nov. 17...	Mile 82·1, Leduc Subdivision	Chevrolet auto truck with trailer Alberta licence 4-818 (truck) 43-065 (car), running at speed of about 55 miles per hour. Engine struck trailer. Truck driver drove on track in front of train.
	Nov. 17	Mile 42·0, Hoadley Subdivision.	International truck, Alberta licence 1419 (truck) 4521 (trailer) was struck on crossing by train running about 20 miles per hour. Truck driver drove on track in front of engine.
	Nov. 29...	Whyte Ave. S., Edmonton, Mile 97·0, Leduc Subdivision.	Oakland Sedan, 1929 model, Alberta licence 3269 was struck on crossing when backing up from north to south side of city. Driver drove on track in front of train.
LETHBRIDGE.....	Oct. 13...	Wellington Yard, Mile 12·8, Cardston Subdivision.	Engine struck wagon which was being drawn across track by a tractor.

STATEMENT OF MISHAPS AT PUBLIC AND PRIVATE CROSSINGS WHERE NO
PERSONAL INJURY INVOLVED FROM JULY 1 TO DECEMBER 31, 1938—*Concluded*

ALBERTA DISTRICT—*Concluded*

Division	Date	Location	Particulars
EDMONTON.....	Nov...18...	Mile 34.7, Wetaskiwin.....	McLaughlin Buick auto, with trailer, Alberta Licence 35-977 and 1259, ran into side of engine while train running at speed of between 20 and 25 miles per hour. Auto driver failed to stop at crossing when train passing over same.

BRITISH COLUMBIA DISTRICT

REVELSTOKE.....	Oct. 12...	Mile 39.9, Okanagan Sub-division.	Train approaching crossing when a loaded wagon pulled by team of three horses abreast, drove onto crossing and into side of engine, the three horses being killed.
VANCOUVER.....	Oct. 29...	Eighth Street, New Westminster.	Work Extra struck a gasoline truck, B.C. licence C.A.198, owned by the Signal Oil Company.
KOOTENAY.....	Sept. 22...	Wallinger Ave., Kimberley..	Driver of truck, licence C.P. 50, claimed that when passing over crossing the pilot of Industrial Train touched his rear fender and put a small dent in it.
	Oct. 21...	Mile 1.07, Trail Spur, Trail, B.C.	While en route Tadanac to Trail, train struck Dodge coupe, licence 9464, which was parked foul of main line, the steps of engine sideswiping the automobile and damaging three fenders.
	Nov. 11...	Mile 64.8, Cranbrook Sub-division.	When train moving over rural public crossing, an automobile, licence No. 41-770, drove into third car from caboose, damaging auto, as well as the steps on second and third cars from caboose.

SUMMARY OF DANGEROUS PRACTICES

	Number	Per cent
Drove into and damaged lowered gates.....	51	16.7
Skidded into lowered gates.....	12	3.9
Drove through lowered gates.....	18	5.9
Drove into wigwag signal.....	4	1.3
Drove over crossing in front of approaching train or engine.....	78	26.0
Ran into side of train.....	17	5.6
Ran into side of engine.....	19	6.2
Disregarded stop signal.....	22	7.6
Failed to make sure no train approaching.....	3	.9
Struck by engine.....	32	10.5
Ran onto right of way.....	1	.3
Parked foul of track.....	1	.3
Drove past red light.....	4	1.3
Stopped on track in front of engine.....	1	.3
Approached crossing at excessive speed.....	12	3.9
Drove under gates being lowered.....	11	3.6
Turned on crossing.....	1	.3
Stalled on crossing.....	5	1.6
Bus ran into gates.....	4	1.3
Horse and sleigh struck by train.....	4	1.3
Sleigh passed crossing gate on sidewalk.....	1	.3
Pedestrian went under gates.....	2	.6
Horse and sleigh ran into side of engine.....	1	.3
	304	100.0

The Board of
Transport Commissioners for Canada
Judgments, Orders, Regulations, and Rulings

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No. 10

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Application of the Canadian National Railways for an Order granting leave to abandon a portion of the L'Original Subdivision of their railway, in the Province of Ontario, between Hawkesbury (M. 32.7) and Hurdman (M. 89.3) a total distance of 56.6 miles.

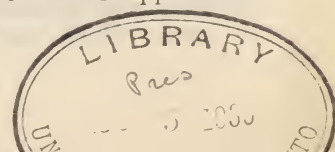
(File No. 39310.16)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was originally heard by the Board on 17th March, 1936, in the presence of a great many persons who claimed to be interested. Mr. E. R. E. Chevrier, K.C., M.P., at that time, appeared for a number of municipalities. Mr. E. O. Bertrand, M.P., Mr. A. Goulet, M.P., and Mr. Belanger, M.L.A., also appeared for various interests in their respective constituencies through which the railway line passes, while the railway company was represented by Mr. I. C. Rand, K.C., and Mr. J. F. Pringle, K.C. At the conclusion of the hearing upon this occasion, counsel for those opposed to the application made a strong plea that the matter be delayed for another year, as they contended that the business in the territory served by this line of railway was improving and in subsequent years would make a much better showing in regard to railway operations. After this hearing the Board made an Order, No. 53224, dated 12th June, 1936, refusing the application but providing that such refusal be without prejudice to any future application the applicants might desire to make after the expiration of one year from the date of the Order.

On 24th April, 1939, the railway company made a subsequent application for abandonment of the same line of railway between Hawkesbury and Hurdman, in the Province of Ontario, on the L'Original Subdivision, being a total distance of 56.6 miles. This latter application was heard by the Board at Ottawa, on 27th June, 1939, in the presence of counsel for the applicants and of other parties opposing the application. The Ontario Highways Department and the City of Ottawa were notified of the application, but they did not appear nor make any submissions in respect thereof. Additional statistical information was furnished by the applicants showing the result of railway operation in regard to earnings and expenditure since the former application was heard in 1936.



The line of railway involved in this application was constructed by the Canadian Northern Ontario Railway Company and was opened for operation in the year 1909. In 1914, the Canadian Northern Ontario Railway Company became part of the Canadian Northern Railway System and was subsequently acquired by the Canadian Government in 1917, and is now operated as part of the Canadian National Railways. It is alleged by counsel for the applicants that the line was originally constructed as part of a through line to be operated between Montreal and Vancouver, B.C. That it was never contemplated that a high-class line of railway between Hawkesbury and Hurdman would produce sufficient local business to justify its operation. As part of a through line its construction could only be justified. It is also alleged that the nature of the construction of the railway would indicate that this was so. It is constructed upon an excellent road-bed with few, if any, grades or curves and is laid almost entirely with 85-lb. rails. These rails are still in good condition, but the bridges and culverts are only in "fair to poor" condition and in the near future will require considerable expenditure, if the road is to be kept in operation.

The railway passes through a well settled district where mixed farming is carried on. Throughout the district a substantial dairying industry is carried on, and a large quantity of hay is produced annually. But in the town and villages between Hawkesbury and Ottawa there has been no industrial development of any kind. Rockland, which is an incorporated town and which at one time had a population of approximately 4,000, was formerly the centre of a lumbering industry, but the lumber mills are now closed and the population of Rockland since the 1931 census has decreased to about 2,000 inhabitants, or a little more. Between Hawkesbury and Hurdman, there are 10 stations, or stopping places for trains. Apart from Rockland, and L'Orignal, which has a population according to the last census of 1,121, these stations are at small settlements which might be described as hamlets.

There is a line of the Canadian Pacific Railway running to the south of the Canadian National Railway at varying distances therefrom, and the approximate distances from the railway in question to other railways are set out in a statement furnished by counsel for the applicants, as follows:—

Station	Distance from nearest Rly. Station after Abandonment Miles	Route
L'Orignal	4.0	By highway to Hawkesbury—C.N.R.
Evanturel	4.5	By highway to Caledonia Springs—C.P.R.
Laframboise	7.5	By highway to Alfred—C.P.R.
	4.5	By highway and ferry to Fassett—C.P.R.
Alfred Centre	6.5	By highway to Alfred Station—C.P.R.
	3.5	By highway and ferry to Montebello—C.P.R.
Treadwell	6.0	By highway to Plantagenet Springs—C.P.R.
	1.5	By highway and ferry to Papineauville—C.P.R.
Jessop	6.0	By highway to Plantagenet Springs—C.P.R.
	5.5	By highway and ferry to Papineauville—C.P.R.
Wendover	8.5	By highway to Plantagenet Springs—C.P.R.
Clarence	10.0	By highway to Bourget—C.P.R.
	3.5	By highway and ferry Lochaber Bay—C.P.R.
Rockland	10.5	By highway to Hammond—C.P.R.
	6.0	By highway and ferry to Thurso—C.P.R.
Cumberland	8.0	By highway to Leonard—C.P.R.
	2.0	By highway and ferry to Masson—C.P.R.
Orleans	7.0	By highway to Blackburn—C.P.R.

All of the above stations are within reasonable distance of the Ottawa River, which is navigable at these points, and there is also on the north side of the Ottawa River another line of the Canadian Pacific Railway. Some evidence was submitted as to water transportation upon the Ottawa River and to ferries which might be used for transportation purposes across the river

to the line of the Canadian Pacific Railway, but this evidence was somewhat indefinite and conflicting. I do not think the ferry service now existing would be adequate to meet the transportation requirements of the district. It was also pointed out that the regular freight service upon the Ottawa River by steamboat had now ceased to operate. The district is served by the Ontario Government Highway, No. 17, from Ottawa. This highway is kept open both in summer and winter, and it is used very extensively for transportation purposes throughout the district, but it is said that the highways running from the railway in question to the Canadian Pacific Railway, on the south, are frequently blocked in winter and are not available for traffic. The train service upon this railway is very limited. There is only one freight train running over the line each way per week, and for a number of years there has not been any passenger or express service on the line. The abandonment of this line under present conditions would only mean cutting off one freight train each way per week, and would not change conditions which have existed for some years in regard to passenger and express service.

When the application was first heard in 1936, statements of earnings and expenses were submitted by the applicants covering a number of years. These statements show, the applicants allege, a system loss on this line of \$65,980 for the year ending September, 1931. But for the year 1935 the system loss was only in the neighbourhood of \$3,000. It was upon the strength of the returns for 1935 that those opposed to the application requested that the matter be delayed to see if improvement would not be shown in succeeding years.

At the recent hearing, counsel for the applicants presented a statement showing gross revenues and out-of-pocket expenses for the operation of this road for the years 1931 to 1938, inclusive. This is Exhibit No. 1 upon the file. The system loss according to this exhibit is shown as follows:—

1931..	\$65,980	1935..	\$ 3,072
1932..	21,501	1936..	13,336
1933..	35,626	1937..	12,035
1934..	12,432	1938..	26,007

and the returns for five months of the present year do not indicate any improvement in the revenues of this road. It is to be noted from this statement that the amount expended upon maintenance in the various years shows considerable variation. In 1931 maintenance is charged at \$61,218, but it is pointed out that the maintenance charge for 1931 was an average charge for a period of six years. For the year 1935, where the showing is best, maintenance is charged at \$12,959.

For 1936 maintenance is charged at..	\$ 17,258
For 1937 maintenance is charged at..	17,638
For 1938 maintenance is charged at..	21,374

These maintenance figures for the last four years do not include anything for superintendence.

Evidence has been given to the Board in many cases showing that the annual maintenance upon branch lines may be fairly estimated at \$500 per mile, in order to keep a branch line in proper condition for satisfactory operation. If that be a correct standard of branch line maintenance, the annual maintenance of the present line should be in the neighbourhood of \$28,000 per year, but the figures submitted for the last four years fall greatly below this standard. It is also alleged by counsel for the applicants that considerably further expenditure will be necessary at the present time, if this road is to be continued in operation.

Exhibit No. 2, filed by the applicants, gives a summary of carload traffic for the years 1933-1938 covering all stations upon the line which the applicants seek to abandon. This statement is as follows:—

SUMMARY OF CARLOAD TRAFFIC—YEARS 1933-38

Station	INWARDS					
	1933	Number of Cars by Years				
		1934	1935	1936	1937	1938
L'Orignal..	52	16	18	19	24	16
Evanturel.. . . . .	..	..	..	..	..	..
Laframboise..	2	8	1	1	..	..
Alfred Centre..	4	5	..	1	1	1
Treadwell.. . . . .	..	..	..	..	..	..
Jessop.. . . . .	..	1	..	1	..	1
Wendover..	13	1	..	1	..	1
Rockland..	72	43	46	43	47	42
Cumberland..	4	6	2	3	2	2
Orleans..	2	7	5	6	4	4
Total inwards..	149	86	72	74	78	66

Station	OUTWARDS					
	1933	Number of Cars by Years				
		1934	1935	1936	1937	1938
L'Orignal..	8	11	69	33	23	1
Evanturel..	5	27	36	46	50	11
Laframboise..	3	42	109	71	82	29
Alfred Centre..	1	22	41	32	67	15
Treadwell.. . . . .	..	6	6	12	12	1
Jessop..	1	8	11	17	9	..
Wendover..	4	20	12	27	57	8
Rockland..	4	29	27	18	41	12
Cumberland.. . . . .	..	7	1	2	3	..
Orleans.. . . . .	..	1	..	..	5	1
Total outwards..	26	173	312	258	349	78

Exhibit No. 3 filed by the applicants is a summary of carload traffic upon the line between the months of January and May for the years 1938 and 1939, and the statement shown in this exhibit is as follows:—

SUMMARY OF CARLOAD TRAFFIC, JAN.-MAY, 1938-1939

Station	INWARDS		Number of Cars, Jan.-May	
			1938	1939
L'Orignal..			10	4
Evanturel..
Laframboise..
Alfred Centre..
Treadwell..
Jessop..
Wendover..			1	..
Rockland..			16	7
Orleans..
Total inwards..			27	11
Station	OUTWARDS		Number of Cars, Jan.-May	
			1938	1939
L'Orignal..	9
Evanturel..	6
Laframboise..			1	11
Alfred Centre..	20
Treadwell..	2
Jessop..	1
Wendover..	3
Rockland..			4	8
Orleans..	1
Total outwards..			5	61

There is also attached to Exhibit No. 2 a statement of the business done at each of the stations upon this line of railway. From the figures submitted it will be seen that the chief business outwards from the various stations consists of carlot movements of hay and straw.

The evidence furnished by the applicants, Exhibit No. 4, as to the population in the territory served by the railway running between Hawkesbury and Hurdman does not indicate that there has been any increase in population in the district between the years 1891 and 1931, according to the Census of Canada taken in those years. In 1891 the census for the seven townships involved showed a total population of 28,826, while the census for 1931 showed a total population of 26,001. Of the villages concerned, L'Original in 1891 had a population of 1,002, while in 1931 the population was 1,121. Rockland in 1891 had a population of 1,465. In 1921 this had risen to 3,496, but in 1931 had again fallen to 2,118, and it was stated in evidence that the population of Rockland is now about 2,000. From these figures it will be seen that there has been no substantial increase in population throughout the district involved in this application.

On behalf of those opposed to the application, Mr. H. Lalonde, Mayor of the Town of Rockland, submitted some correspondence which he had had with various industrial establishments in regard to locating plants in the vicinity of Rockland, but these proposals were very indefinite and the negotiations have not proceeded to a point where the Board could seriously consider them. Mr. Lalonde also produced some correspondence with the C. W. Hall Company, Limited, concerning the falling off in hay shipments as shown by the figures submitted in the exhibits filed. The explanation tendered was that the falling off in hay shipments during the past two years was due to the fact that there was no shortage of hay in eastern Canada or in the United States. The Hall Company are exporters of hay, and protest against the abandonment of this line. Mr. Lalonde also pointed out that there might be difficulty in winter transportation upon certain highways which run to Hammond and Bourget, which are points on the Canadian Pacific Railway, as these highways are closed during winter months on account of snow. Mr. Lalonde considered that a further delay should take place in regard to this application in order that there might be a further trial for a couple of years, as he seemed to think that there was a prospect of other industries being established in the meantime.

Mr. Leslie Dunning, a resident of Cumberland, made a statement in opposition to the proposed abandonment. Cumberland is 16 miles from Ottawa, and Mr. Dunning is of opinion that if the railway were maintained, a considerable number of residents of Ottawa might make their homes in the Village of Cumberland, particularly during the summer season. Mr. Dunning also intimated that there was some prospect of an industry being established at Cumberland, but was not in a position to state what the particular industry was. He stated that the Colonial Bus Line operated on the highway between Cumberland and Ottawa, but the hours adopted by the Bus Line did not suit the people who desired to travel and who were mostly civil servants. He also estimated that of the population travelling between Cumberland and Ottawa, fifty per cent used their own cars upon the highway.

Mr. S. Maurievitch, who conducts a general store at Rockland, gave evidence opposing the application. He complained that the use of trucks for the shipment of his merchandise was not satisfactory. He also objected that the highways between Rockland and Montreal are not open throughout the whole winter season. He complained also of the unsatisfactory service upon the railway and the delay in getting goods shipped by freight. He considered the prospect of securing new industries at Rockland very hopeful but did not give any details in respect of these industries. He claimed that the unsatisfactory railway service mitigated strongly against Rockland.

Mr. Emeri Sangin appeared at the hearing to represent Wendover, Jessop and Jessop Falls, being three stations in the township where he resides. He alleged that the municipal councils and the people of the district were opposed to the application, but that they were anxious to secure the right of way if abandonment should take place. He considered that in the event of abandonment the land should be restored to the adjoining farmers.

Mr. Belanger, M.L.A., stated that he had taken an interest in this application when it was originally made three years ago. He thought that the railway right of way might be utilized by the Ontario Highways Department for a permanent roadway, in order that a road might be built to accommodate heavy motor traffic. He stated that the present highway No. 17 was not suitable for heavy traffic. Mr. Belanger stated that he originally favoured the application, provided a road for heavy traffic were constructed upon the right of way, but that he subsequently ascertained through negotiations with the officials of the Canadian National Railways that it would not be possible for the railway company to convey the right of way to the Province of Ontario as the whole right of way is subject to a trust mortgage in favour of the bondholders. Mr. Belanger under the changed circumstances is now opposed to the application. He considered that there was a good prospect of rehabilitating such places as Rockland and Hawkesbury and other places along this line of railway. He also thought that the present was not a good time to take action as there were signs of improvement now beginning to show. He thought the application should stand for a few years more at least.

Mr. E. O. Bertrand, M.P., agreed that this road was originally constructed as a connecting link between the Canadian Northern Railway from Ottawa to Montreal and Eastern points. In the beginning the construction of the railway had been a hardship upon the farmers whose farms had been taken for right of way, and the municipalities had suffered through taxation on account of the construction of overhead structures at various railway crossings, part of the cost of which had been borne by the local municipalities. He considered that this railway as a connecting link would eventually be used by the railway company for its entry to the Montreal Tunnel Station. He also stated that in spite of the small amount expended upon maintenance of this line from year to year, the road was still in good condition and might eventually become a valuable railway line. He considered that it would be unfair to abandon the line even if the local service did show deficits.

Prior to the amendment of The Railway Act in 1933, a railway company might of its own motion abandon an unprofitable line of railway, but since this amendment, now 165A of the Act, the Board has uniformly decided that the loss sustained by a railway company arising from the operation of a line of railway is not of itself sufficient to justify the abandonment of the line. It must be shown also that the community resident in the territory affected, and the industries established therein, will not be unduly inconvenienced or prejudiced by such action on the part of the railway company. It must be demonstrated that the local community will not be unreasonably deprived of access to markets and to shipping facilities for their produce either by railway, highway, or other means of transport. The issue in each case where abandonment is sought resolves itself into a question of "whether the loss and inconvenience to the public consequent upon the abandonment outweigh the burden that continued operation of the line involved would impose upon the railway company." (*C.N.R. vs. Tweed*, 1935, 44 C.R.C. 53).

I think that this is the principle which must be applied in the present case. There is no doubt that the abandonment of this line of railway will cause some inconvenience to shippers at the various points but, in my opinion, the annual loss to the railway company in cost of operation is far greater than any inconvenience which the public may suffer. In my opinion, the line

of railway between Hawkesbury and Hurdman must now be considered as merely a branch line running through a good agricultural district, but one which offers little or no prospect of increased railway transportation. Dairying is the chief industry carried on by the farming community and dairy shipments throughout this district, as well as generally throughout Canada, are now being carried to a very large extent by motor transport upon the highways. A very small part of the dairy products produced in this district are now, or in the future will be, carried by the railway line in question. Apart from the shipment of dairy products, the only other important article of transport is the matter of hay and straw. Shipments of hay seem to vary from year to year, but the shipment of this class of freight does not produce much revenue to railways. If operation of this line of railway is to be continued, I think it is evident that an annual expenditure for maintenance of \$500 per mile will have to be made by the railway company, in order to keep the road in running condition as a branch line. When this annual expenditure is added to the ordinary cost of operation, this line of railway is bound to show a heavy annual loss to the company. I do not think the Board would be justified either in refusing or postponing action in regard to this application. I consider that the annual loss to the railway company will be much greater than any loss or inconvenience to the residents of the district in question. For these reasons, I think an Order should be made by the Board permitting the applicants to abandon this line of railway.

The question of the ultimate use of the right of way is an important one to the farmers through whose farms the right of way passes. It was suggested that the right of way should be conveyed by the railway company to the adjoining proprietors. However, it was pointed out that the railway undertaking including the right of way is subject to a trust mortgage in favour of bondholders, and that the railway company is not in a position to convey a clear title to the right of way. Counsel for the railway company stated that the railway company would facilitate the transfer of the use and possession of the railway right of way to the adjoining proprietors so far as it was able to do so. I would suggest that the railway company grant conveyances of the right of way to the adjoining proprietors, subject to the mortgage of the trustee for the bondholders; or that the matter be arranged by granting the adjoining farmers long term leases of the right of way at nominal rentals. Either of these methods might offer a practical solution of any legal difficulty which may exist. I think it is important that the right of way, after abandonment, should be placed in the actual possession of the adjoining proprietors.

There should be an Order of the Board in this case permitting the railway company to abandon this line of railway, and the railway company should take steps without delay to place the abandoned line in the actual possession of the adjoining proprietors. If any difficulty should arise in carrying out this suggestion, subsequent application may be made to the Board either by the railway company, by the municipalities involved, or by any of the adjoining proprietors.

Ottawa,
July 8th, 1939.

The Assistant Chief Commissioner and Commissioner Stoneman concurred.

ORDER No. 57728

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for an Order granting leave to abandon a portion of the L'Original Subdivision of their railway, in the Province of Ontario, between Hawkesbury (Mileage 32.7) and Hurdman (Mileage 89.3), a total distance of 56.6 miles.

File No. 39310.16

MONDAY, the 10th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon hearing the application at a sitting of the Board held in the City of Ottawa on 27th of June, 1939, in the presence of counsel for the Canadian National Railways and of representatives of the different municipalities affected, the evidence offered, and what was alleged—

It is ordered: That the Applicants be, and they are hereby, granted leave to abandon the said portion of the L'Original Subdivision of their railway, in the Province of Ontario, between Hawkesbury (Mileage 32.7) and Hurdman (Mileage 89.3), a total distance of 56.6 miles.

That the Applicants shall, as intimated at the hearing of this application, proceed without delay to place the abandoned right of way in the possession of the adjoining landowners either by conveyance subject to trusts or encumbrances heretofore created, or by long term leases at nominal rentals. Should any difficulty arise in connection with such transfer or possession, subsequent application may be made to the Board by any of the parties affected by this Order.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57678

In the matter of the application of the Georgian Bay Tourist Company of Midland, Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Mileage Freight Tariff C.T.C. No. 1 on file with the Board under file No. 42082.27.

FRIDAY, the 30th day of June, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Mileage Freight Tariff C.T.C. No. 1 of the Georgian Bay Tourist Company of Midland, Limited, effective June 13, 1939, on file with the Board under file No. 42082.27, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57680

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

MONDAY, the 3rd day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in item 56 of supplement No. 16 to tariff C.T.C. No. 1063 filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 56 of supplement No. 16 to tariff C.T.C. No. 1063, approved herein, are as follows:—

Item 56	Cents per 100 pounds
From O'Brien's Siding, N.S.	7½
From Hutt's Siding, N.S.	8

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57681

In the matter of the application of the Niagara, St. Catharines and Toronto Railway Company, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff No. 22, C.T.C. No. 384, on file with the Board under file No. 42082.20.

MONDAY, the 3rd day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department of the Board:—

It is ordered: That the said Standard Passenger Tariff No. 22, C.T.C. No. 384, of the Niagara, St. Catharines and Toronto Railway Company, effective June 1, 1939, on file with the Board under file No. 42082.20, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57684

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File 34822.2

MONDAY, the 3rd day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section, namely—

Supplement No. 54 to Tariff C.T.C. No. E.1247

Supplement No. 44 to Tariff C.T.C. No. E.1504

Supplement No. 39 to Tariff C.T.C. No. E.2047

Supplement No. 7 to Tariff C.T.C. No. E.2437

Supplement No. 23 to Tariff C.T.C. No. E.2448

Supplement No. 32 to Tariff C.T.C. No. E.2526

Supplement No. 9 to Tariff C.T.C. No. E.2745

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57682

In the matter of the application of Mr. Wilfrid Lacroix, M.P., of the City of Quebec, in the Province of Quebec, for a general reduction in the rates of the Bell Telephone Company of Canada.

Case No. 955.165

WEDNESDAY, the 5th day of July, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon hearing the application at a sittings of the Board held in the City of Quebec on May 8 and 9, 1939, in the presence of the applicant, counsel for the Consumers' League of Quebec, and counsel and representatives of the Bell Telephone Company of Canada; and upon consideration of the written submissions subsequently filed by the parties; reasons for judgment to be issued at a later date—

It is ordered: That the application be, and it is hereby, refused.

And it is further ordered that the effective date for appeal from this Order under the provisions of Section 52 of The Railway Act, should any of the parties seek leave of the Board to appeal therefrom, shall be the date of the reasons for judgment hereafter to be issued.

HUGH WARDROPE,

Asst. Chief Commissioner.

ORDER No. 57687

In the matter of the application of Canada Steamship Lines Limited, hereinafter called the "Applicant," for permission to amend its tariff C.T.C. No. 47 on less than statutory notice to correct a clerical error.

File No. 27612.203

WEDNESDAY, the 5th day of July, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas through clerical error in Item 380-A of Supplement No. 2 to the Applicant's tariff C.T.C. No. 47, a rate of 34½ cents per 100 pounds is published on petroleum and petroleum products from Montreal, Que., to Toronto, Ont., instead of 35 cents per 100 pounds, and in order that the proper and intended rate may be applied, the Applicant now desires to make correction on less than statutory notice;

It is therefore ordered that the Applicant be, and it is hereby, granted leave to file, on three days' notice, a supplement to its tariff C.T.C. No. 47 to correct the said error.

HUGH WARDROPE,

Asst. Chief Commissioner.

ORDER No. 57692

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 5th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.**The Board orders:*

1. That the toll published from Chipman, N.B., to Fredericton, N.B., in Item No. 1440A of Supplement No. 15 to Tariff C.T.C. No. E.4878 filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act on traffic carried under the said Item No. 1440A of Supplement No. 15 to Tariff C.T.C. No. E.4878 approved herein, is 6¼ cents per 100 pounds.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57693

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.15

WEDNESDAY, the 5th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 202 filed by the Fredericton and Grand Lake Coal and Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 202 approved herein, is \$2.45 per ton of 2,000 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57697

In the matter of the application of the Canadian National Railways, under Section 348 of the Railway Act, for approval of special contract for release of responsibility in connection with the transportation of Halibut Liver or Halibut Viscera Oil, in metal cans or in drums.

File No. 42008

WEDNESDAY, the 5th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon reading what is filed in support of the application, the concurrence of the shippers, and the recommendation of the Director, Traffic Department, of the Board;

It is ordered: That the said special contract for release of responsibility in connection with the transportation of Halibut Liver or Halibut Viscera Oil, in metal cans or in drums, on file with the Board under File No. 42008, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57699

In the matter of the application of Mackenzie Air Service Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Edmonton, Alberta, and Aklavik, Northwest Territories, and intermediate points.

File No. 42007.14.2

WEDNESDAY, the 5th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Edmonton, S. Wabiskaw Lake, N. Wabiskaw Lake, McMurray, Chipewyan, Fort Vermilion, Fitzgerald, in the Province of Alberta, Fort Smith, Resolution, Hay River, Providence, Simpson, Liard, Wrigley, Norman, Good Hope, Arctic Red River, McPherson, Aklavik, in the Northwest Territories;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1229, dated May 27, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

12 trips per annum between:

Edmonton, McMurray, Chipewyan, Fitzgerald, Fort Smith, Resolution, Hay River, Providence, Simpson, Wrigley, Norman;

of which 6 trips per annum are extended to:

Good Hope, Arctic Red River, McPherson, Aklavik;

service as traffic demands to:

N. Wabiskaw Lake, S. Wabiskaw Lake, Fort Vermilion, Liard;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 34 be issued for the period of one year from June 30, 1939.

2. That the Applicant be, and it is hereby required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board of No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57694

In the matter of the application of the Express Traffic Association of Canada, under Section 348 of the Railway Act, for approval of the French translation of forms of contract restricting the Express Companies' liability, which forms are to be used by the Canadian National Railways (Express Department), Canadian Pacific Express Company and Railway Express Agency, Incorporated, within the limits of the Province of Quebec.

File No. 4214.390

FRIDAY, the 7th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Asst. Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Whereas the Board has approved forms of contract (in English) as follows namely:—

1. Merchandise Receipt,
2. Live Stock Contract,
3. Collection Receipt,
4. Money Receipt;

And whereas the French translation of the foregoing forms of contract submitted by the Express Traffic Association of Canada conforms with the conditions approved by Order of the Board No. 12953, dated February 10, 1911—

It is ordered: That the French translation of the above mentioned forms of contract restricting the Express Companies' liability, which forms are to be used by the Canadian National Railways (Express Department), Canadian Pacific Express Company and Railway Express Agency, Incorporated, within the limits of the Province of Quebec, on file with the Board under file No. 4214.390, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57698

In the matter of the application of the Canadian Pacific Railway Company (Great Lakes Steamship Service) under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff No. 5, C.T.C. No. EE.622, on file with the Board under file No. 42082.7.

FRIDAY, the 7th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Asst. Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff No. 5, C.T.C. No. EE.622, of the Canadian Pacific Railway Company (Great Lakes Steamship Service), on file with the Board under file No. 42082.7, be, and it is hereby, approved, to be effective June 15, 1939.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57702

In the matter of the revocation of Licence Number C.T.C. (A.T.) 8, issued to The British Yukon Navigation Company, Limited, and the rescission of Order No. 57185, dated March 25, 1939.

File No. 42007.8.1

SATURDAY, the 8th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon it appearing that The British Yukon Navigation Company, Limited, has discontinued the transportation of passengers and/or goods between Carcross, Y.T., and Atlin, B.C., which points are licensed under Licence Number C.T.C. (A.T.) 8, dated March 25, 1939, granted to the aforesaid Company—

It is ordered: That Licence Number C.T.C. (A.T.) 8, dated March 25, 1939, be forthwith revoked and that Order No. 57185, dated March 25, 1939, be, and it is hereby, rescinded.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57706

In the matter of the application of Wings Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Sioux Lookout and Red Lake, Ontario, and intermediate points.

File No. 42007.19.4

MONDAY, the 10th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Sioux Lookout and Lost Bay, Uchi, Woman Lake and Red Lake in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 1451, dated June 15, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Tri-weekly between:

Sioux Lookout, Lost Bay, Uchi, Woman Lake;

With extension once weekly to:

Red Lake;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport;

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 35 be issued for one year from July 8, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57713

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 11th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Asst. Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 37 to Tariff C.T.C. No. E.1974.
Supplement No. 10 to Tariff C.T.C. No. E.2925.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57717

In the matter of the application of Quebec Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Montreal, Quebec, Rimouski, in the Province of Quebec.

File No. 42007.5.4

TUESDAY, the 11th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Asst. Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by air-

craft passengers and/or goods on a scheduled route between the following points and places:—

Montreal, Quebec, Rimouski, in the Province of Quebec;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1102, dated May 11, 1939, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the applicant has undertaken to provide a service upon the following schedule:—

Weekly between:

Montreal and Quebec;

Extended weekly during summer season—approximately April 20 to November 26—to Rimouski;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 36 be issued for the period of one year from July 10, 1939.

2. That the Applicant be, and it is hereby required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57727

In the matter of the application of Wings Limited, hereinafter called the "Applicant," under Section 13 of the Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Sioux Lookout, Doghole Bay, Pickle Lake, Ontario.

File No. 42007.19.3

THURSDAY, the 13th day of July, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places—

Sioux Lookout, Doghole Bay, Pickle Lake, in the Province of Ontario; which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1451, dated June 15, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a tri-weekly service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 37 be issued for the period of one year from July 12, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57733

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 17th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 74 to Tariff C.T.C. No. E.1244.

Supplement No. 50 to Tariff C.T.C. No. E.1906.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57734

In the matter of the application of R. A. Carter, Steamship Operator, under Section 21 of The Transport Act, 1938, for approval of Standard Mileage Freight Tariff C.T.C. No. 1, on file with the Board under file No. 42082.18.

TUESDAY, the 18th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department of the Board—

It is ordered: That the said Standard Mileage Freight Tariff C.T.C. No. 1 of R. A. Carter, Steamship Operator, effective May 29, 1939, on file with the Board under file No. 42082.18, be, and it is hereby, approved.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57744

In the matter of the application of the Canadian Colonial Airways, Inc., under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by the Board of Directors of the Corporation on July 11, 1939, authorizing the President and Treasurer of the Corporation to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Corporation, and to submit the same to and file the same with the Board.

File No. 42057.12

WEDNESDAY, the 19th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the Canadian Colonial Airways, Inc., adopted July 11, 1939, authorizing the President and Treasurer of the Corporation to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Corporation, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.12, be, and it is hereby, approved.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

CIRCULAR No. 243-W

July, 21, 1939.

File No. 496.12

Re carriage of persons free of charge, or at reduced charges, on boats not licensed for the transportation of passenger traffic.

It has been the practice of some water carriers to transport shippers or other persons without charge, or at a reduced charge, on vessels not licensed as passenger carrying vessels. It is also the practice to accord such free or reduced transportation by the expedient of signing such persons on as members of the crew.

You are informed that the Board deems such practices to be contrary to the provisions of The Transport Act and the continuance thereof renders both the carrier and the person carried subject to the penalty provisions of the Act.

I am directed, therefore, to request prompt and positive assurance that, in so far as each licensee is concerned, no persons will be accorded free, reduced or any form of transportation to which they are not entitled and for which provision is not made in the terms of the licence held.

By order of the Board,

P. F. BAILLARGEON,

Secretary.

P.C. 1297

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 2nd day of June, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas, by Proclamation duly issued under date the 4th of January, 1939, pursuant to Order in Council, P.C. 3269, of the same date, it was declared and directed that Part II of the Transport Act, 1938, relating to Transport by Water, should come into force in respect of the "Great Lakes," as defined in Subsection (1) (f) of Section 2 of the said Act, and have effect upon, from and after the 15th day of January, 1939;

And whereas, by Subsection (1) (k) of Section 2 of the said Act, a "ship" is defined as including every description of vessel exceeding five hundred tons gross tonnage;

And whereas, by Subsection (2) of Section 12 of the said Act, it is provided that the Governor in Council may by regulation exempt any ship or class of ships from the operation of Part II of the said Act;

And whereas, by Subsection (3) of Section 12 of the said Act it is provided that the provisions of Part II of the said Act shall not apply to the transport of "goods in bulk";

And whereas, under date the 12th of May, 1939, Canada Cement Transport Limited has applied for the exemption from the operation of Part II of the said Act of its S.S. *Bulkarrier*, 2,375.95 registered gross tons, and its E.M.V. *Cementkarrier*, 1,970.64 registered gross tons, the facts relating to the application being summarized as follows:—

Canada Cement Transport Limited, which owns and operates the two ships referred to, is a wholly-owned subsidiary of Canada Cement Company Limited. These ships are engaged in the transportation, in bulk, of Portland Cement, coal and gypsum rock. They carry no package freight whatever, being specially built self-unloaders and not fitted for package trade in any way. The Portland Cement is transported only for the applicant's principal, Canada Cement Company, Limited. The transportation of Portland Cement is confined entirely to the transference of the cement in bulk from the Cement Company's manufacturing plants to its several packing plants, when it is distributed by the Cement Company and sold to the public. The applicant company does not come in contact with the public in any way whatsoever in regard to the transportation of cement. The applicant company contended that Portland Cement is a mineral and therefore included in "goods in bulk" as defined by The Transport Act, but the Department cannot accept such contention. The other goods transported by the ships, referred to, namely, coal and gypsum rock, clearly come under the definition of "goods in bulk."

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to exempt and doth hereby exempt the S.S. *Bulkarrier* and the E.M.V. *Cementkarrier*, of Canada Cement Transport Limited, from the operation of Part II of The Transport Act, 1938, when engaged in the carriage of Portland Cement for Canada Cement Company, Limited.

H. W. LOTHROP,
Asst. Clerk of the Privy Council.

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P.C. 1309

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 2nd day of June, 1939.

PRESENT:

The Deputy of

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas, by Proclamation duly issued under date the 4th of January, 1939, pursuant to Order in Council P.C. 3269 of the same date, it was declared and directed that Part II of The Transport Act, 1938, relating to Transport by Water, should come into force in respect of the "Great Lakes," as defined in Subsection (1) (f) of Section 2 of the said Act, and have effect upon, from and after the 15th day of January, 1939;

And whereas, by Subsection (1) (k) of Section 2 of the said Act, a "ship" is defined as including every description of vessel exceeding five hundred tons gross tonnage;

And whereas, by Subsection (2) of Section 12 of the said Act, it is provided that the Governor in Council may by regulation exempt any ship or class of ships from the operation of Part II of the said Act, and by Subsection (3) of Section 12 of the said Act it is provided that the provisions of Part II of the said Act shall not apply to the transport of "goods in bulk";

And whereas, the Minister of Transport reports that, under date the 6th of May, 1939, Quebec and Ontario Transportation Company, Limited, has applied for the exemption from the operation of Part II of the said Act, of its five ships—the steamships *Shelterbay*, *Thorold* and *New York News* and the motorships *Chicago Tribune* and *Franquelin*—when engaged in the carriage of package freight for the Ontario Paper Company, Limited; and

That the facts relating to the said application may be summarized as follows:—

The Quebec and Ontario Transportation Company, Limited, is a wholly-owned subsidiary of the Ontario Paper Company Limited. The five ships of the Transportation Company are the regular canal type, bulk freighters. They are principally engaged in carrying pulpwood from the various pulpwood ports of the Ontario Paper Company located on the North Shore of the Gulf of St. Lawrence and the North Shore of Lake Superior, but at certain times the entire fleet transports full cargoes of newsprint from Thorold, Ontario, to Chicago, Illinois. The M.S. *Chicago Tribune*, a specially built paper carrier, is so engaged for the entire season of navigation. All the ships, whenever possible, carry full cargoes of coal, grain, sulphur, and other bulk commodities which are exempt under Section 12 (3) of The Transport Act.

In addition to carrying the above bulk commodities, the ships have transported small quantities of lumbermen's supplies such as hay, oats, flour, sugar, groceries, canned goods, horses, gasoline, etc., to the wood camps of the Ontario Paper Company during the Summer and Fall months. The ships always loaded these supplies when bound light to load pulpwood at the various pulpwood ports. The supplies are purchased by the purchasing agents of the Ontario Paper Company who are also the

purchasing agents for the Transportation Company as well. The supplies are the property of the Ontario Paper Company when they are loaded into the ships and they are consigned on bills of lading signed by the Traffic Manager of the Ontario Paper Company who is also the Superintendent of the Transportation Company. The Transportation Company receives a book credit only for this movement, there being no actual exchange of cash.

The movement is practically an intra-plant affair with the various units and personnel of the Companies co-operating. The Transportation Company submits that there is no need for publishing tariffs nor for securing licences for the movement of the supplies referred to, as it is a private affair and the ships are acting in the capacity of private carriers. It is not the custom of the Transportation Company to accept package freight from the public for movement to the pulpwood plants.

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to order that the steamships *Shelterbay*, *Thorold* and *New York News* and the motorships *Chicago Tribune* and *Franquelin*, of the Quebec and Ontario Transportation Company, Limited, be and they are hereby exempted from the operation of Part II of The Transport Act, 1938, for the season of navigation of 1939, only, when engaged in the carriage of package freight for the Ontario Paper Company Limited.

H. W. LOTHROP,
Asst. Clerk of the Privy Council.

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P.C. 1641

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of June, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas, by Proclamation duly issued under date the 4th January, 1939, pursuant to Order in Council P.C. 3269 of the same date, it was declared and directed that Part II of The Transport Act, 1938, relative to Transport by Water, should come into force, in respect of the "Great Lakes," as defined in Subsection (1) (f) of Section 2 of the said Act, and have effect upon, from and after the 15th day of January, 1939;

And whereas, by Subsection (1) (k) of Section 2 of the said Act, a "ship" is defined as including every description of vessel exceeding five hundred tons gross tonnage;

And whereas, by Subsection (2) of Section 12 of the said Act, it is provided that the Governor in Council may by regulation exempt any ship or class of ships from the operation of Part II of the said Act;

And whereas, the Minister of Transport reports that application has been made on behalf of Imperial Oil Shipping Company Limited, hereinafter referred to as "the Shipping Company," for the exemption of that Company's fleet of lake tankers from the operation of Part II of the said Act, while engaged, during

the current season of navigation, in the carrying of package freight for Imperial Oil Limited, it being submitted that in so doing the said ships could not be considered as common carriers;

That the circumstances, as summarized, relating to such application are stated to be as follows:—

Imperial Oil Shipping Company Limited, which is a wholly-owned subsidiary of Imperial Oil Limited, operates a fleet of ships (lake tankers) between various Great Lakes Ports for the transport of petroleum products in bulk for Imperial Oil Limited and as a matter of convenience during the navigation season of 1939 proposes to carry a certain amount of package freight between the said Great Lakes Ports for account of its parent Company only. The package freight to be carried on the ships would be restricted to whatever space may be available on any particular ship after it has received its total bulk oil cargo. In other words, the transportation of the package freight would be merely a convenience for the parent company if, as and when space permits. The ships, referred to, are as follows:—

S/S *Acadialite*
S/S *Imperoyal*
S/S *Iocolite*
S/S *Iocoma*
S/S *Ottawalite*
S/S *Petrolite*

S/S *Rideaulite*
S/S *Royalite*
S/S *Sarnolite*
S/S *Simcolite*
S/S *Talaralite*
S/S *Windsolite*

And whereas, the Minister of Transport further reports that the application of the Shipping Company has been referred to The Board of Transport Commissioners for Canada and that the said Board has recommended that the ships, referred to, be exempted from the operation of Part II of The Transport Act, 1938, when engaged in the carriage of package freight for Imperial Oil Limited only;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to order that the ships of Imperial Oil Shipping Company Limited, included in the list above set out, be and they are hereby exempted from the operation of Part II of The Transport Act, 1938, for the season of navigation of 1939, only, when engaged in the carriage of package freight for Imperial Oil Limited.

H. W. LOTHROP,

Asst. Clerk of the Privy Council.

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P.C. 1642

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of June, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas, by Proclamation duly issued under date the 4th January, 1939, pursuant to Order in Council P.C. 3269 of the same date, it was declared and directed that Part II of The Transport Act, 1938, relative to Transport by Water, should come into force, in respect of the "Great Lakes," as defined in

Subsection (1) (f) of Section 2 of the said Act, and have effect upon, from and after the 15th day of January, 1939;

And whereas, by Subsection (1) (k) of Section 2 of the said Act, a "ship" is defined as including every description of vessel exceeding five hundred tons gross tonnage;

And whereas, by Subsection (2) of Section 12 of the said Act, it is provided that the Governor in Council may by regulation exempt any ship or class of ships from the operation of Part II of the said Act;

And whereas, the Minister of Transport reports that application has been made by Lakes & St. Lawrence Navigation Company, Limited, for the exemption of that Company's S.S. *Casco* from the operation of Part II of the said Act, it being submitted, jointly, by The Canada Starch Company, Limited, hereinafter referred to as "the Starch Company," Canada Starch Sales Company, Limited, hereinafter referred to as "the Sales Company," and Lakes & St. Lawrence Navigation Company, Limited, hereinafter referred to as "the Navigation Company," that the S.S. *Casco* does not carry package freight for hire or reward, and is not engaged in the business of transportation by water within the intent and meaning of the said Act;

That the circumstances, as summarized, relating to such application are stated to be as follows:—

The Starch Company is a company concerned in the manufacture of corn products, with its plant at Cardinal, Ont., and a warehouse at Fort William, Ont. The Sales Company is a wholly-owned subsidiary company of the Starch Company and markets the products of, and only the products of, the Starch Company throughout Canada. The Navigation Company is a wholly-owned subsidiary company of the Starch Company, and its sole asset is the S.S. *Casco* which is a typical bulk lake freighter designed to handle bulk grain or coal cargoes and which is in no respect a package freighter. The *Casco* is used chiefly to carry bulk freight for the Starch Company. Occasionally, the *Casco* is used to carry package goods for the Starch Company and/or the Sales Company to the warehouse at Fort William, and these cargoes are charged and paid for at prevailing rates and the freight charge enters into the inter-company accounts. Any profits made by the Navigation Company are transferred to the Starch Company by way of a dividend.

And whereas, the Minister of Transport further reports that said application has been referred to The Board of Transport Commissioners for Canada and that such Board has recommended that the S.S. *Casco* be exempted from the operation of Part II of The Transport Act, 1938, when engaged in the carriage of package freight for the Starch Company or the Sales Company;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to order that the S.S. *Casco* of the Lakes & St. Lawrence Navigation Company, Limited, be and it is hereby exempted from the operation of Part II of The Transport Act, 1938, for the season of navigation of 1939, only, when engaged in the carriage of package freight for The Canada Starch Company, Limited, or the Canada Starch Sales Company, Limited.

H. W. LOTHROP,
Asst. Clerk of the Privy Council.

P.C. 1823

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of July, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas, Section 13 (1) of Part III of The Transport Act, 1938, provides that the Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, licence aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas, subsection 1 (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas, the Minister of Transport reports that, under date the 26th of June, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to the air services between the undermentioned points and places, designated for identification purposes by the route numbers shown, and recommends that said points and places be named by the Governor in Council under the provisions of Section 15 (1) (b), namely, as follows: —

Route Number	Points and Places
C. 44	Atlin, Telegraph Creek, in the Province of British Columbia;
C. 45	Vancouver, Tofino, Zeballos, in the Province of British Columbia;
C. 46	Kenora, Red Lake, in the Province of Ontario,

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above named points and places as recommended by The Board of Transport Commissioners for Canada.

H. W. LOTHROP,
Asst. Clerk of the Privy Council.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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August 15, 1939

No. 11

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Application of the Department of Mines and Fisheries, Province of Quebec, for an order revising order No. 56963, dated January 16, 1939, which authorized applicant, at its own expense, to construct highway over the Canadian National Railways' Senneterre-Rouyn Branch, Mileage 99.4.

(File 40248.4)

JUDGMENT

WARDROPE, Asst. Chief Commissioner:

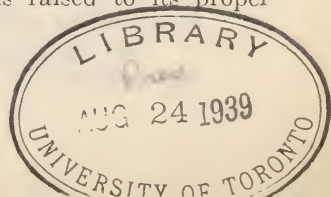
This matter was heard at Quebec on May 8, 1939. At the hearing the application herein developed into two applications, as follows:—

(a) For an order directing the C.N.R. to pay the sum of \$3,225.00 for additional construction required at the crossing; and

(b) To strike out of the original order permitting the crossing the following words—"and subject to the further condition that the applicant shall, at its own expense, make such future alterations as may be necessary to adjust the crossing to the changes that may be made in the embankment;" as being too permissive to the railway with regard to future changes in the embankment.

Report of Division Engineer Kydd, dated November 19, 1938, in part reads as follows:—

"The new road has been cleared and grubbed to the crossing and grading to the crossing is being carried out. The railroad embankment at the crossing is about 12 feet high, and the approach of the road to the crossing from Rouyn will require a lot of material. The railroad bank here is 5 feet low and will be raised next year. The ground at the crossing is soft. Mr. Morrison states it is about 60 feet to hard bottom, and if the bank settles 30,000 or 40,000 yards of material may have to be put in by the railway before the railway bank is raised to its proper



level. The embankment was not brought to its proper level this year because material was hard to get west of the Kenejavis River. Material can be obtained a lot cheaper next year east of this river. The bridge across the river has just been completed.

The Department of Mines was not aware of the fact that the railway embankment had to be raised and a much larger quantity of filling for the crossing than was calculated on will have to be put in to make the crossing.

I would recommend that application for a crossing here be not granted for the present and not until the railroad embankment is complete."

The department, when laying its plans for this crossing, would seem to have overlooked the fact that the embankment in question is a new one and in the process of settling; also, that it had not been brought up to its final level. The above additional amount of \$3,225.00 is consequent upon meeting the new situation. As the railway is senior, if the embankment at the time of the original application had reached its final form, I venture to say that this additional amount would have had to be absorbed by the department in any event. Consequently, in my opinion, this part of the application should be refused.

With regard to the second portion of the application as set out above, I do not consider this portion of the order complained of to be too broad. I think it is only fair that the order should contemplate, as it has, the future protection of the railway with relation to the embankment.

As Mr. Darveau for the C.N.R. stated at the hearing, inter alia, p. 631, vol. 658:—

"The idea of the order as I read it has regard to natural changes. Supposing for some reason we had to build two tracks; the order would not cover that. The idea of the order is to cover ordinary changes."

I am of the opinion that it is fully understood that this is the scope of the latter part of the order. I would dismiss the application.

July 20, 1939.

The Deputy Chief Commissioner and Commissioner Stoneman concurred.

Requête du ministère des Mines et des Pêcheries de la province de Québec demandant une révision de l'ordonnance n° 56963 en date du 16 janvier 1939, laquelle autorisait le requérant à construire à ses frais un passage de voie publique au mille 99.4, ligne d'embranchement Senneterre-Rouyn, chemin de fer National-Canadien.

(Dossier 40248.4)

JUGEMENT

WARDROPE, Commissaire en chef adjoint.

Cette affaire fut entendue à Québec le 8 mai 1939. Lors de l'audition, la présente requête se transforma en deux requêtes, à savoir:

(a) Requête demandant une ordonnance enjoignant au chemin de fer National-Canadien de payer la somme de \$3,225 pour des travaux de construction additionnels requis au passage en question; et

(b) Requête demandant de retrancher de l'ordonnance qui autorise la construction du passage, les mots suivants: "et sujet à la condition que

le requérant doit effectuer à ses frais tels changements futurs qui pourront devenir nécessaires pour adapter le dit passage aux altérations qui pourront être faites au remblai," considérés comme donnant trop de latitude au chemin de fer relativement aux altérations futures au remblai.

Le rapport de l'ingénieur de division Kydd, en date du 19 novembre 1938, se lit en partie comme suit:

"The new road has been cleared and grubbed to the crossing and grading to the crossing is being carried out. The railroad embankment at the crossing is about 12 feet high, and the approach of the road to the crossing from Rouyn will require a lot of material. The railroad bank here is 5 feet low and will be raised next year. The ground at the crossing is soft. Mr. Morrison states it is about 60 feet to hard bottom, and if the bank settles 30,000 or 40,000 yards of material may have to be put in by the railway before the railway bank is raised to its proper level. The embankment was not brought to its proper level this year because material was hard to get west of the Kenejavis River. Material can be obtained a lot cheaper next year east of this river. The bridge across the river has just been completed.

The Department of Mines was not aware of the fact that the railway embankment had to be raised and a much larger quantity of filling for the crossing than was calculated on will have to be put in to make the crossing.

I would recommend that application for a crossing here be not granted for the present and not until the railroad embankment is completed."

Le ministère, lorsqu'il a fait préparer les plans pour le dit passage, semble ne pas avoir tenu compte du fait que le remblai en question est un nouveau remblai qui n'est pas encore fixé, vu qu'il n'a pas encore atteint son niveau définitif. Le montant additionnel ci-dessus mentionné de \$3,225 est demandé pour faire face aux nouvelles conditions au dit passage. Comme le chemin de fer a droit de priorité au passage en question, j'ose affirmer que si le remblai au moment de la présentation de la première requête avait atteint sa forme définitive, ce montant additionnel aurait dû à tout événement être absorbé par le ministère. En conséquence, cette partie de la requête, à mon avis, devrait être refusée. Relativement à la deuxième partie de la requête, telle qu'exposée ci-dessus, je ne considère pas que la partie de l'ordonnance dont on se plaint ait une trop grande portée. Je crois qu'il n'est que juste que l'ordonnance ait en vue, comme c'est le cas, la protection future du chemin de fer en rapport avec le remblai. Comme M. Darveau du chemin de fer National-Canadien l'a laissé entendre lors de l'audition, voir entre autres p. 631. vol. 658:—

The idea of the order as I read it has regard to natural changes. Supposing for some reason we had to build two tracks; the order would not cover that. The idea of the order is to cover ordinary changes.

Je suis d'avis qu'il est tout à fait compris que cette déclaration est conforme à la portée de la dernière partie de l'ordonnance. Je renverrais donc la requête.

le 20 juillet 1939.

Le Commissaire-en-chef suppléant et le Commissaire Stoneman se sont ralliés au jugement ci-dessus.

ORDER No. 57772

In the matter of the application of the Department of Mines and Fisheries for the Province of Quebec (1) for an Order revising Order No. 56963, dated January 16, 1939, authorizing the construction of a level highway crossing over the Canadian National Railways at mileage 99.4 Senneterre-Rouyn Branch Line; and (2) for an Order directing the Canadian National Railways to pay the sum of \$3,225 for additional construction required at the crossing.

File No. 40248.4

MONDAY, the 24th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at the City of Quebec, May 8, 1939, in the presence of counsel for the Department of Mines and Fisheries for the Province of Quebec, and the Canadian National Railways, and what was alleged,—

It is ordered: That the application be, and it is hereby, refused.

F. NAP. GARCEAU

Deputy Chief Commissioner.

ORDER No. 57745

In the matter of the application of the Canadian Colonial Airways, Ltd., under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors of the Company on July 4, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.12.1

WEDNESDAY, the 19th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the Canadian Colonial Airways, Ltd., adopted July 4, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board under file No. 42057.12.1, be, and it is hereby, approved.

F. NAP. GARCEAU

Deputy Chief Commissioner.

ORDER No. 57749

In the matter of the application of the Boston-Maine Airways Incorporated, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors of the Corporation, authorizing the Traffic Manager of the Corporation to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Corporation, and to submit the same to and file the same with the Board.

File No. 42057.14

WEDNESDAY, the 19th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of the Boston-Maine Airways Incorporated, authorizing the Traffic Manager of the Corporation to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Corporation, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.14, be, and it is hereby, approved.

F. NAP. GARCEAU
Deputy Chief Commissioner.

ORDER No. 57764

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 24th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 75 to Tariff C.T.C. No. E. 1244.

Supplement No. 29 to Tariff C.T.C. No. E. 1256.

Supplement No. 60 to Tariff C.T.C. No. E. 1911.

Supplement No. 33 to Tariff C.T.C. No. E. 2526.

Supplement No. 2 to Tariff C.T.C. No. E. 2924.

Supplement No. 11 to Tariff C.T.C. No. E. 2925.

Supplement No. 10 to Tariff C.T.C. No. E. 2745.

Supplement to Tariff E. 3054.

Supplement to Tariff E. 3055.

Supplement to Tariff E. 3060.

F. NAP. GARCEAU
Deputy Chief Commissioner.

ORDER No. 57781

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

THURSDAY, the 27th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 783, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the Temiscouata Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 783, approved herein, is:—

	Cents per 100 pounds
Billed	4
Normal	5

F. NAP. GARCEAU
Deputy Chief Commissioner.

ORDER No. 57788

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

THURSDAY, the 27th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 784, filed by the Temiscouata Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 784, approved herein, is 75 cents per net ton of 2,000 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57789

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 27th day of July, A.D. 1939

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Supplement No. 1 to Tariff C.T.C. No. 1102, filed by the Dominion Atlantic Railway Company under section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal toll for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 1 to Tariff C.T.C. No. 1102 approved herein, is 9½ cents per 100 pounds.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57782

In the matter of the application of Canada Steamship Lines, Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 39, on file with the Board under file No. 42082.1.

FRIDAY, the 28th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 39 of the Canada Steamship Lines, Limited, effective August 1, 1939, on file with the Board under file No. 42082.1, be, and it is hereby, approved.

F. NAP. GARCEAU
Deputy Chief Commissioner.

ORDER No. 57790

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act. File No. 34822.12

FRIDAY, the 28th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 1445, 3900 C to Fonthill, Ont., 3905 B to Niagara-on-the-Lake and Port Dalhousie, Ont., and 3910 B to St. David's, Ont., in supplement No. 20 to Tariff C.T.C. No. E 4878, filed by the Canadian Pacific Railway Company under section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said items 1445, 3900 C to Fonthill, Ont., 3905 B to Niagara-on-the-Lake and Port Dalhousie, Ont., and 3910 B to St. David's, Ont., in supplement No. 20 to Tariff C.T.C. No. E 4878 approved herein, are as follows:—

Item	Cents per 100 pounds
1445	10
3900 C to Fonthill Ont.	80,000 pounds
	30½
3905 B to Niagara-on-the-Lake, Ont.	60,000 “
	32
to Port Dalhousie, Ont.	80,000 “
	30½
3910 B to St. David's, Ont.	60,000 “
	32

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 57791

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act. File No. 34822.2

MONDAY, the 31st day of July, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said section 3, namely:—

Supplement No. 10 to Tariff C.T.C. No. E. 1543
Supplement No. 61 to Tariff C.T.C. No. E. 1911
Supplement No. 20 to Tariff C.T.C. No. E. 2311
Supplement No. 49 to Tariff C.T.C. No. E. 2444
Supplement No. 21 to Tariff C.T.C. No. E. 2629
Supplement No. 12 to Tariff C.T.C. No. E. 2925
Tariff C.T.C. No. E. 3061
Tariff C.T.C. No. E. 3066

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57795

In the matter of the application of the Mackenzie Air Service Limited, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors of the Company on July 18th, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.15

THURSDAY, the 3rd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board:—

It is ordered: That the said resolution of the Mackenzie Air Service Limited, adopted July 18th, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.15, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57797

In the matter of the application of Northwest Steamships, Limited, hereinafter called the "Applicant", under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.2

THURSDAY, the 3rd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas by the Board's Order No. 57412, dated 6th May, 1939, the applicant was granted Licence No. C.T.C. (W.T.) 1, for the period of one year from January 15th, 1939, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act, by the ship therein named;

And whereas the applicant has notified the Board of the purchase of the undermentioned vessel, namely:

Name	Official Registry Number	Gross Tonnage
Rahane..	148089	2,222

And whereas proof of purchase thereof has been established to the satisfaction of the Board as well as proof of applicant's right to a licence.

Therefore the Board orders: That the above named vessel be, and it is hereby, added to the applicant's Licence Number C.T.C. (W.T.) 1, dated May 15, 1939.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57798

In the matter of the application of Sarnia Steamships, Limited, hereinafter called the "Applicant", under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.14

THURSDAY, the 3rd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas by the Board's Order No. 57431, dated 12th May 1939, the applicant was granted Licence No. C.T.C. (W.T.) 10, for the period of one year from January 15th, 1939, to transport goods by water between ports and places within Canada in the area of the Great Lakes, as defined in Section 2 (1) (f) of the said Act by certain ships therein named;

And whereas the applicant has notified the Board of the sale of the undermentioned vessel, namely:—

Name	Official Registry Number	Gross Tonnage
Rahane..	148089	2,222

and proof of sale thereof has been established to the satisfaction of the Board;

Therefore the Board orders: That the vessel above named, be, and it is hereby, deleted from the list of vessels set out on page 2 of the applicant's Licence Number C.T.C. (W.T.) 10, dated May 15, 1939.

H. GUTHRIE,
Chief Commissioner.

P.C. 1918

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 22nd day of July, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that the Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1 (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board, that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas the Minister of Transport reports that, under date the 27th of June, 1939, the Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to the air services between the undermentioned points and places, designated for identification purposes by the route numbers shown, and recommends that the said points and places be named by the Governor in Council under the provisions of Section 15 (1) (b), namely, as follows:—

<i>Route No.</i>	<i>Points and Places</i>
C. 47	Kenora, Minaki, Long Legged Lake, Madsen, McKenzie Island, Red Lake, Trout Lake, Maynard Lake, Ball Lake, Separation Lake, in the Province of Ontario.
C. 48	Winnipeg and/or Lac du Bonnet, Little Grand Rapids, in the Province of Manitoba; Dear Lake, in the Province of Ontario; Island Lake, Gods Lake, Ilford, Norway House, in the Province of Manitoba; Sachigo, in the Province of Ontario;

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above-named points and places as recommended by the Board of Transport Commissioners for Canada.

H. W. LOTHROP,
Assistant Clerk of the Privy Council.

P.C. 1936

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 22nd day of July, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas, by Order in Council P.C. 2849 of November 17th, 1938, amended by Order in Council P.C. 1047 of May 5th, 1939, Part III of The Transport Act, 1938, relating to transport by air, was, pursuant to the provisions of subsection 1 (a) of Section 15 of the said Act, made applicable to transport by air by means of international or interurban air transport services between the following points and places named therein under the heading "International Air Transport Services," namely:—

"Juneau-Whitehorse-Burwash Landing-Tanana Crossing-Fairbanks";

And whereas the Minister of Transport reports that the Board of Transport Commissioners for Canada has advised that the "naming" by the Governor in Council of the said points and places, above mentioned, technically constitutes the naming of two Canadian points, Whitehorse and Burwash Landing, thereby bringing the provisions of Part III of The Transport Act, 1938, into force with respect to transport by air between Whitehorse and Burwash Landing;

That the Board has been informed that a small amount of charter flying is necessary between Whitehorse and Burwash Landing, but that the traffic to be carried by air between these points does not require a reasonably regular air transport service; and

That, in order to remove doubt as to the application of Part III of The Transport Act, 1938, to transport by air by means of local air transport services between Whitehorse and Burwash Landing, it is deemed expedient to amend, further, the said Order in Council P.C. 2849 to the effect that the said points and places, namely Juneau-Whitehorse-Burwash Landing-Tanana Crossing-Fairbanks, are named only in respect of international air transport services and not in respect of air transport services locally between points and places in Canada, namely, Whitehorse and Burwash Landing;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend Order in Council P.C. 2849 of November 17th, 1938, as amended by Order in Council P.C. 1047 of May 5th, 1939, and it is hereby further amended by the addition after the words—

“Juneau-Whitehorse-Burwash Landing-Tanana Crossing-Fairbanks”
of the following:—

“The foregoing points and places are named only in respect of international air transport services and not in respect of air transport services locally between points and places in Canada.”

H. W. LOTHROP,
Assistant Clerk of the Privy Council.

P.C. 2004

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of July, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas, under authority of Order in Council P.C. 2849 of November 17th, 1938, the following points and places were, amongst others, named by the Governor in Council, pursuant to the provisions of section 15 (1) (a) of The Transport Act, 1938, for the purpose of making Part III of the said Act applicable to transport by air by means of reasonably regular international air transport services between the said points and places:—

Montreal—Albany—New York;

And whereas the Minister of Transport reports that, under date July 5th, 1939, the Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to international air transport services between New York City (Newark Airport, Newark, N.J.), Burlington, Vermont, and Montreal, Quebec, and has recommended that said Order in Council P.C. 2849 of November 17th, 1938, be amended so as to substitute the said points and places for the above mentioned points and places designated in the said Order in Council for international air transport services;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend Order in Council P.C. 2849 of November 17th, 1938, and it is hereby amended by the deletion of the following points and places:

Montreal—Albany—New York,

and the substitution in lieu thereof of the following points and places as hereinafter set out, namely:

New York City (Newark Airport, Newark, N.J.)—Burlington, Vermont—Montreal, Quebec.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

P.C. 2005

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of July, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1 (b) of section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas the Minister of Transport reports that, under date the 28th of June, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to the air services between the undermentioned points and places, designated for identification purposes by the route numbers shown, and recommends that said points and places be named by the Governor in Council under the provisions of section 15 (1) (b), namely, as follows:—

Route No.

Points and Places

- | | |
|-------|--|
| C. 49 | Hudson, Sioux Lookout, Uchi Lake, Red Lake, McKenzie Island, in the Province of Ontario, Lac du Bonnet, in the Province of Manitoba. |
| C. 50 | Hudson, Sioux Lookout, Uchi Lake, Pickle Lake, in the Province of Ontario. |

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection (1) (b) of section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above named points and places as recommended by The Board of Transport Commissioners for Canada.

H. W. LOTHROP,
Assistant Clerk of the Privy Council.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, JUNE, 1939

Railway accidents 88, with 21 killed and 110 injured.
 Railway accidents at highway crossings 21, with 6 killed and 27 injured.

	Killed	Injured
Passengers	—	53
Employees	4	40
Others	23	44
Total	27	137

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents.	K.	I.	QUEBEC
1	—	1	Auto Truck—Auto truck failed to stop for crossing; struck by train. Licence, Que. F-12665.
1	—	2	Automobile—Automobile failed to stop for crossing; struck by train. Licence, Que. 131-083.
1	—	1	Automobile—Automobile struck by track motor car. Licence, Que. 134-352.
1	—	4	Automobile—Automobile failed to stop for crossing; struck by train. Licence, Que. 85278.
1	—	3	Automobile—Driver of automobile disregarded bell and wigwag signals; failed to stop for crossing and was struck by train. Licence, Ont. 60-F-85.
1	—	2	Automobile—Driver of automobile failed to stop for crossing; ran into side of train. Licence, Que. 63423.

ONTARIO

1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 9-A-707.
1	1	—	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 45-W-20.
1	—	1	Automobile—Automobile struck by track motor car. Licence, Ont. 52-M-3.
1	2	—	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 579-T-8.
1	—	2	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 3-S-59.
1	—	1	Automobile—Automobile ran into side of train. Licence, Que. 148-678.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 90-P-8.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 75-P-26.
1	2	—	Automobile—Driver of automobile disregarded bell and wigwag signals; drove on to crossing in front of approaching train and was struck. Licence, Ont. 273-P-8.
1	—	1	Horse-drawn vehicle—Driver of horse-drawn vehicle failed to heed bell and wigwag signals; drove on to crossing in front of approaching train and was struck.
1	1	—	Pedestrian—Child wandered on to crossing in front of approaching train and was struck.

SASKATCHEWAN

1	—	2	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Sask. 31-097.
1	—	1	Motorcycle—Motorcycle ran into track motor car. Licence, Sask. 195.

ALBERTA

1	—	2	Automobile—Automobile, with defective brakes, ran into side of train. Licence, Alta. 33-380.
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BRITISH COLUMBIA

1	—	1	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, B.C. C-1-342.
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Of the twenty-one accidents at highway crossings, sixteen occurred at unprotected crossings and five at protected crossings. Nineteen of the accidents occurred after sunrise and two occurred after sunset.

July 22, 1939.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 57679. July 3—Declaring C.N.R. crossing at mileage 14.5 protected to Board's satisfaction. Kapuskasing Subdivision.
- 57680. July 3—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway under Section 9.
- 57681. July 3—Approving Standard Passenger Tariff No. 22, C.T.C. 384 of Niagara, St. Catharines & Toronto Ry. Co.
- 57682. July 5—Refusing application Wilfrid Lacroix, M.P., Quebec, for general reduction in Bell Telephone Company's rates.
- 57683. July 5—Approving proposed installation of overhead unloading rack, pipe lines, etc., of British American Oil Co. at Sydney River, N.S. (C.N.Rys.).
- 57684. July 3—Approving under Maritime Freight Rates Act tolls published in supplements to tariffs filed by Canadian National Rys. under Section 3.
- 57685. July 4—Authorizing Canadian National Railways to remove siding formerly serving Pelegrine Del Sole, on Lot 105 St. Bruno, Que., and rescinding Orders 21540 and 22829.
- 57686. July 4—Approving Appendix "A" to Bell Telephone Co's Traffic Agreement with The Masham Telephone Co. Inc.
- 57687. July 5—Authorizing Canada Steamship Lines Ltd. to file on three days' notice supplements to Tariff C.T.C. No. 47 to correct an error.
- 57688. July 4—Approving Bell Telephone Co's supplement No. 1 to Exchange and Toll Line Agreement with La Compagnie de Telephone de Ste. Lucie, Quebec.
- 57689. July 5—Approving location pipe lines and storage tanks of H. C. Pawson near C.P.R. at Sudbury, Ontario.
- 57690. July 4—Approving Bell Telephone Company's revised Appendix "A" to Traffic Agreement with proprietor of Gillies Telephone System.
- 57691. July 5—Declaring C.N.R. crossing of highway, mileage 0.37, Coronado Subdivision, protected to Board's satisfaction.
- 57692. July 5—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian Pacific Railway under Section 9.
- 57693. July 5—Approving under Maritime Freight Rates Act tolls published in supplements to tariffs filed by Fredericton & Grand Lake Coal and Railway Co. under Section 9.
- 57694. July 7—Approving French translation of certain forms of contract used by Canadian National Rlys. restricting Express Companies liability.
- 57695. July 6—Requiring C.P.R. to install automatic bell and wigwag protection at St. Jean St. crossing, Yamachiche, Que., M. 67.43, Trois Rivieres Sub.
- 57696. July 6—Approving clearance of overhead crane at Canada Iron Foundries, Ltd., Hamilton, Ont. (C.N.Rys.).
- 57697. July 5—Approving Special Contract C.N.R. Release of Responsibility *re* transportation of Halibut Liver or Halibut Viscera Oil in metal cans or drums.
- 57698. July 7—Approving C.P.R. Standard Passenger Tariff No. 5, C.T.C. EE-622 (Great Lakes Steamship Service).
- 57699. July 5—Authorizing the issuing of licence to Mackenzie Air Service Limited, for transportation between Edmonton, Alta., and Aklavik, Northwest Territories.
- 57700. July 8—Authorizing Canadian National Railways to remove station agent at Havelock, N.B., and appoint a caretaker.
- 57701. July 8—Authorizing Canadian Pacific Railway to remove station agent at Lumberton, B.C., and appoint a caretaker.
- 57702. July 8—Revoking the British Yukon Navigation Company's licence No. C.T.C. (A.T) 8, and rescinding Order No. 57185 of March 25, 1939.
- 57703. July 8—Declaring Canadian National Railways crossing over highway at Acton Vale station, Que., protected to Board's satisfaction.
- 57704. July 8—Relieving Canadian Pacific Rly. from maintaining cattle guards at mileage 4.8, Parry Sound Subdivision, Ontario.
- 57705. July 10—Authorizing C.P.R. to remove station agent at Snelgrove station, Ont., and appoint caretaker.
- 57706. July 10—Authorizing the issuing of a licence to Wings Limited for transportation between Sioux Lookout and Red Lake, Ontario.
- 57707. July 10—Authorizing City of Saskatoon, Sask., to construct road diversion west of Lorne Avenue and south of Main Street, etc., east of Canadian National Rlys.
- 57708. July 10—Approving Bell Telephone Company's service station contract with the Service d'Ameliorations, Limited.
- 57709. July 10—Authorizing Department of Public Works to construct a diversion of Red Deer-Brzeau highway near Rocky Mountain House, Alta. (C.N.Rys.).
- 57710. July 11—Approving location layout plan of C.N.R. showing construction of subway on St. Antoine Street, Montreal, Que.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57711. July 11—Granting extension of time for completion of widening of road crossing of C.N.R. at Cote de Liesse Road.
- 57712. July 10—Approving service station contract between Bell Telephone Company and the North Norwich Telephone System.
- 57713. July 11—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Canadian National Railways under Section 3.
- 57714. July 11—Authorizing the C.N.R. to reconstruct bridge on Brett's Road, mileage 68·05, Okanagan Subdivision, B.C.
- 57715. July 12—Approving location additional storage tank of Shell Oil Co. of Canada, Ltd., adjacent to London & Port Stanley Ry. at Port Stanley, Ontario.
- 57716. July 12—Authorizing the C.N.R. to reconstruct existing subway at Water Street, Oxford, N.S.
- 57717. July 11—Authorizing the issuing of a licence to Quebec Airways, Limited, for transportation between Montreal, Quebec and Rimouski, Que.
- 57718. July 13—Authorizing the C.P.R. to construct branch line to serve Canadian Industries Limited, mileage 47·0, Adirondack Subdivision, County Hochelega, Que.
- 57719. July 13—Declaring C.P.R. crossing west of Little Lac Magog station, Que., protected to Board's satisfaction.
- 57720. July 13—Declaring T.H. & B. crossing at Cannon Street, Hamilton, Ont., protected to Board's satisfaction.
- 57721. July 18—Declaring C.N.R. crossing at Paget Street, near Sundridge Station, protected to Board's satisfaction.
- 57722. July 13—Rescinding Order No. 34766 of Feb. 22/24, *re* Bonsfield Telephone Line.
- 57723. July 14—Authorizing Dept. of Highways for Ontario to construct temporary crossing of N. St. C. & T. Ry. during construction over highway in Tp. Grantham, County of Lincoln, Ont.
- 57724. July 13—Declaring C.N.R. crossing, Village of Netherhill, Sask., mileage 110·3 Rosetown Subdivision, protected to Board's satisfaction.
- 57725. July 13—Declaring C.P.R. crossing of Wall Street, Vancouver, B.C., mileage 125·55, Cascade Subdivision, protected to Board's satisfaction.
- 57726. July 15—Authorizing C.N.R. to construct its tracks across Smith, Wellington and Ann streets, city of Montreal, Que., by means of a viaduct.
- 57727. July 13—Authorizing the issuing of a licence to Wings Limited for transportation between Sioux Lookout, Doghole Bay and Pickle Lake, Ontario.
- 57728. July 20—Granting leave to C.N.R. to abandon portion of L'Original Subdivision, mileage 32·7, and Hurdman's mileage 89·3, Ontario.
- 57729. July 17—Authorizing the reconstruction of C.N.R. subway on highway No. 2, Coteau du Lac, Que., and amending Order No. 57221 of March 31/39.
- 57730. July 17—Authorizing C.N.R. to remove siding on Prince Albert Street, Pointe aux Trembles, Que., and rescinding Order 16375 of April 26/12.
- 57731. July 18—Approving location of pipe lines, &c., of Manitoba Wholesale Co.-Operative Ltd., adjacent to C.P.R. at Pilot Mound, Man.
- 57732. July 18—Approving location unloading point, pipe line, etc., of Rohmer Service Stations, Ltd., near C.N.R. at Niagara Falls, Ont.
- 57733. July 17—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by C.N.R. under Section 3.
- 57734. July 18—Approving Standard Mileage Freight Tariff C.T.C. No. 1, R. A. Carter, Steamship Operator.
- 57735. July 18—Authorizing Dept. of Highways for Ontario to construct a crossing over C.P.R., mileage 58·01, Carter Subdivision, Township Awrey, Ontario.
- 57736. July 18—Authorizing C.N.R. to reconstruct bridge over public road, mileage 14·75, Owen Sound Subd'vn, Ont.
- 57737. July 18—Approving C.P.R. plans standard high trestle for Cooper's E-60 loading.
- 57738. July 18—Approving C.P.R. plans of 15 feet standard pile trestle for Cooper's E-50 loading.
- 57739. July 18—Authorizing C.N.Rys. and T. & N.O. Ry. Co. to operate trains through interlocking plant at North Bay, Ont.
- 57740. July 19—Authorizing C.N.R. to operate under structure at mileage 17·7, Wabamun Subd'vn, Alta.
- 57741. July 19—Authorizing the Essex Terminal Ry. Co. to construct branch line to serve Miretsky, Bernstine & Miretsky across Mercer St., Windsor, Ont.
- 57742. July 19—Approving service station contract of Bell Telephone Company with the Browning Island Telephone Line.
- 57743. July 19—Authorizing C.P.R. to operate over subway at Rouen Street, Montreal, Que.
- 57744. July 19—Approving resolution of Board of Directors of Canadian Colonial Airways, Ltd., authorizing certain officials to prepare and issue freight and passenger tariffs of tolls.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Continued*

- 57745. July 19—Approving resolution of Canadian Colonial Airways, Ltd., authorizing certain officials to prepare and issue freight and passenger tolls.
- 57746. July 20—Approving By-law No. 7 of Starratt Airways & Transportation Ltd. authorizing certain officials to prepare and issue tariffs of tolls.
- 57747. July 19—Authorizing C.N.R. to reconstruct existing subway at mileage 52·06, Chatham Subdivision, Northwood, Ontario.
- 57748. July 19—Authorizing Dept. of Public Works to construct revision of Edmonton-Jasper main highway and to divert subway under C.N.R. at mileage 61·00, Wabamun Subd'vn.
- 57749. July 19—Approving resolution Boston-Maine Airways, Ltd., authorizing certain officials to prepare and issue freight and passenger tariffs of tolls.
- 57750. July 20—Adjourning until Aug. 1/40 matter of application of Town of Dorval, Que., to widen Cote de Liesse Road crossing of C.N.Rys. at Dorval, Que.
- 57751. July 21—Approving location of unloading rack, pipe lines, etc., of Manitoba Co-operative Wholesale Ltd., near C.P.R. at Manitou, Man.
- 57752. July 21—Declaring C.N.R. crossing at mileage 34·98, La Tuque Subdivision, Que., protected to Board's satisfaction.
- 57753. July 21—Declaring C.N.R. crossing at mileage 16·53, Strathroy, Subdivision, Twp. Caradoc, Ont., protected to Board's satisfaction.
- 57754. July 24—Declaring C.N.R. crossing, first south of Glenross, Ont., mileage 12·50, Maynooth Subdivision, protected to Board's satisfaction.
- 57755. July 21—Approving plan of proposed rebuilding of subway on Highway No. 39, mileage 0·67 Neptune Subd'vn, of Canadian Pacific Railway.
- 57756. July 21—Authorizing the making of the existing farm crossing over C.N.R. at mileage 6·68, Diamond Subd'vn, east of Carrier Jet., Que., into a regular highway crossing.
- 57757. July 20—Amending Board's Order No. 54384 of June 1, 1937, *re* cattle guards.
- 57758. July 21—Approving Traffic Agreement (in French) between Bell Telephone Co. and Compagnie de Telephone de la petite Nation.
- 57759. July 21—Authorizing Dept. of Highways for Ontario to construct a subway carrying the Queen Elizabeth Way under C.N.R. Electric Line in Township of Stamford, Ontario, and divert tracks of C.N.R.
- 57760. July 25—Authorizing International Nickel Co. of Canada, Ltd., to construct spur line in Copper Cliff to avoid several level crossings in the Town; to construct subway under its track from junction of Serpentine and Diorite streets to junction of Rink and Copper streets; to construct overhead crossing over line of Sudbury-Copper Cliff Suburban Electric Ry. Co.; and to construct overhead crossing over C.P.R. track in Town of Copper Cliff.
- 57761. July 25—Extending time within which protection may be installed at two lanes of traffic Highway No. 3, Maidstone, Ont., New York Central RR.
- 57762. July 24—Approving Bell Telephone Co.'s Appendix "A" to Traffic Agreement with Aylmer and Malahide Tel. Co. Ltd. and Supplement No. 1 to said Agreement.
- 57763. July 24—Authorizing C.N.R. to remove sidings serving J. McCreary, Jr., Mileage 46·1, Oba Subdivision, Ont.
- 57764. July 24—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by the Canadian National Railways under Section 3.
- 57765. July 26—Approving Bell Telephone Company's Supplement No. 1 to Service Station Contract with the Oliver Corner Telephone Company.
- 57766. July 26—Approving Bell Telephone Company's Supplement No. 1 to Traffic Agreement with the Commissioners for the Telephone System of the Municipality of the Township of Bruce.
- 57767. July 26—Approving Bell Telephone Company's Supplement No. 1 to Service Station Contract with the Crystal Lake Telephone Company.
- 57768. July 26—Approving Bell Telephone Co.'s revised Traffic Agreement and Service Station Contract with the Laurel Telephone System and rescinding previous Orders.
- 57769. July 26—Approving Bell Telephone Company's Supplement No. 1 to Service Station Contract with the Bexley Telephone Co. Limited.
- 57770. July 26—Approving revised plan showing proposed changes in operating circuits at Chestnut, Albert and Stannus streets, Windsor, Ont., and limiting speed of trains over same to fifteen miles per hour.
- 57771. July 27—Authorizing Dept. of Public Works for Alberta to construct revision of Walsh-Crowsnest Highway from mileage 27·8, C.P.R. Crowsnest Sub. to east side of 9th Avenue, Macleod, Alta.
- 57772. July 24—Refusing application of Department of Mines and Fisheries of Quebec for revision of Order 56963 *re* level crossing over C.N.R. at mileage 99·4 Senneterre-Rouyn Branch Line, etc.

SUMMARY OF ORDERS ISSUED BY THE BOARD—*Concluded*

- 57773. July 31—Declaring C.P.R. crossing east of Vankleek Hill station, mileage 33·79, protected to Board's satisfaction.
- 57774. July 25—Approving Bell Telephone Company's Supplement No. 1 to Service Station Contract with the Cherry River Telephone Association.
- 57775. July 27—Amending Order 57618 of June 19/39, Clause 1, by requiring all southbound trains at Road No. 3, Brighthouse Street, B.C., to come to a stop.
- 57776. July 27—Declaring Branscombe crossing by B.C. Electric Ry. at Highway crossing No. 9 protected to Board's satisfaction.
- 57777. July 27—Approving location storage tank, etc., of North Star Oil Ltd. near C.P.R. at Melfort, Sask.
- 57778. July 27—Declaring C.P.R. highway crossing No. 93, mileage 73·90, MacTier Subdivision, protected to Board's satisfaction.
- 57779. July 27—Authorizing C.N.R. to construct an extension to bridge over T.H. & B. railway tracks at Hamilton, Ont.
- 57780. July 27—Declaring C.N.R. crossing of Dorchester Road west of Stamford Station, Ont., protected to Board's satisfaction.
- 57781. July 27—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by Temiscouata Railway under Section 9.
- 57782. July 28—Approving Standard Passenger Tariff C.T.C. No. 39, Canada Steamship Lines Ltd.
- 57783. July 28—Approving location pipe line, storage tank, etc., of W. Barrington, near C.N.R. mileage 40, Renfrew Subdivision, Ontario.
- 57784. July 28—Declaring Lake Erie & Northern Ry. crossing of Windham Road, mileage 2·5 north of Simcoe, Ont., protected to Board's satisfaction.
- 57785. July 28—Declaring Lake Erie & Northern Ry. crossing of highway 1·1 miles south of Simcoe, Ontario, protected to Board's satisfaction.
- 57786. July 28—Authorizing the Dept. of Highways, Ontario, to construct a level crossing over C.P.R. at mileage 103·892 Cartier Subdivision. Twp. Dowling, Ontario.
- 57787. July 31—Approving location storage tanks and facilities of Supertest Petroleum Corporation, Ltd., near Hull Electric Company, Hull, P.Q.
- 57788. July 24—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by the Temiscouata Railway under Section 9.
- 57789. July 27—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by the Dominion Atlantic Rly. under Section 9.
- 57790. July 28—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by the Canadian Pacific Railway under Section 9.



The Board of
Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

Vol. XXIX

September 1, 1939

No. 12

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Application of the New York Central Railroad Company and the Ottawa and New York Railway Company for an order authorizing the putting into effect of a reduction of train service from two trains a day each way to one train each way over the line of the Ottawa and New York Railway Company, between Helena, N.Y., and Ottawa, Ont.

(File 20632.1)

JUDGMENT

WARDROPE, Asst. Chief Commissioner:

This application was heard at Ottawa on January 31, 1939, before the full Board and in the presence of Mr. W. L. Scott, K.C., appearing for the applicants, Mr. Lionel Chevrier, K.C., M.P., appearing for the Counties of Stormont, Dundas and Glengarry, and the Town of Cornwall, and Mr. Goulet, M.P., for the County of Russell.

Originally this was an application for permission to discontinue all passenger service over the line of the Ottawa and New York Railway between Helena, N.Y., and Ottawa, Ont. Following the filing of the original application, customary notices were sent out to the interested parties and, in view of the substantial quantity of objections filed with the Board, on the suggestion of the Board's Director of Operation, the application was temporarily reduced to the above application to eliminate two of the four passenger trains operating daily except Sunday along this line.

The train schedule between Ottawa, Ont., and Helena, N.Y., is as follows:—

	Leaves	Arrives
Train No. 60	Ottawa 7.55 a.m.	Helena 10.23 a.m.
Train No. 62	Ottawa 3.50 p.m.	Helena 6.10 p.m.
Train No. 61	Helena 8.05 a.m.	Ottawa 10.35 a.m.
Train No. 63	Helena 3.55 p.m.	Ottawa 6.30 p.m.

The trains which the applicants request to have eliminated are trains No. 60 and No. 63, thus leaving a passenger service from Helena, N.Y., to Ottawa, Ont., in the morning and from Ottawa, Ont., to Helena, N.Y., in the afternoon.

The history of this line of railway has been one of considerable misfortune since it was constructed around 1900. Originally it was intended to project

it as an air-line from Ottawa to New York. However, owing to opposition it fell short of its aim for New York and did not penetrate into the United States farther than Tupper Lake Junction. Tupper Lake Junction is some fifty miles beyond Helena. About 1906 or 1907 the New York Central purchased the control of the Ottawa and New York Railway with the purpose of extending the line beyond Ottawa and up the Ottawa River, but this project fell through when the Canadian Pacific Railway Company raised objections and the New York Central abandoned this idea. Since then, consequently, it has remained in the nature of simply a local road depending upon local traffic. The New York Central is now the lessee by virtue of lease given to it by the Ottawa and New York Railway Company, dated December 7, 1936, which lease is subject to termination on ninety days written notice by lessee to lessor. Recently, owing to leanness of traffic, that portion of this line between Helena, N.Y., and Tupper Lake Junction on the other side of the International Boundary was completely abandoned and the tracks taken up by leave of the Interstate Commerce Commission.

Mr. Ernest G. Hawkins, Assistant Engineer in the office of Vice-President of Improvements and Developments of the New York Central Railroad, gave evidence to show the following losses from passenger operations:—

1935	1936	1937
\$14,695	\$18,367	\$21,178

and \$23,164 during the first eleven months of 1938, thereby showing an increasing annual deficit from passenger service. Statements were filed also to show losses in connection with freight traffic as follows:—

1935	1936	1937
\$19,872	\$29,335	\$36,249

It might seem strange, in view of the above losses from freight traffic, that no request to be relieved from freight service was included in the original application. The reasons for this are given by Mr. Hawkins in his examination in chief by Mr. Scott, which are as follows—(see evidence p. 104, vol. 656):—

“Mr. Scott: Why did not the company, where the freight operations show such a heavy loss on the Ottawa and New York, why didn't the company include a request to be relieved from freight service in the original application?

A:—The situation in respect to freight is somewhat different to that of passenger. The passenger service is practically all local from the standpoint of the New York Central. There may be some interchanging connections with other roads.

Q:—As far as the New York Central is concerned there is no through passenger traffic? A:—No, but in connection with the freight there is considerable movement over the New York Central Railroad in addition to this movement over the Ottawa and New York.

Q:—And can you tell us what the effect would be?

A:—No, we have no figures as to what our actual earnings would be on that traffic. It would require some study in order to determine that.

Q:—So at present you are unable to say whether it pays the company or not to maintain this freight service? A:—That is right.

Q:—Notwithstanding the heavy loss on the Ottawa-New York end? A:—That is right.”

The evidence would seem to bear out the assertion of Mr. Hawkins that passenger traffic on this line would seem to be practically entirely local traffic confined to points between Ottawa, Ont., and Helena, N.Y., with no interchanging connections with other roads.

Many of the items in the statements submitted at the hearing with regard to expenses and out-of-pocket expenses were attacked by those in opposition to the application, but after making all due allowances, in my opinion, there is no doubt as to the fact that there is a substantial and annually increasing loss being suffered by the applicants.

Listed amongst the expenses is an annual rental of \$16,200 paid under agreement for the use of the facilities of the Union Station at Ottawa. This agreement does not expire until 31st December, 1941. It was forcibly suggested by Mr. Chevrier that if this item could be eliminated the picture would be altogether different. His contention was that the applicant could build a station on its own property at the foot of Nicholas Street in the City of Ottawa, and abandon the use of the Union Station. It was also contended that the passengers would not object to this inconvenience; but the fact that it was stated the applicant company did try at one time to have its station there and found the people would not patronize it would seem to disprove this contention. It was alleged by the applicants that the expense involved in the use of the Union Station simply had to be borne in order to retain the passenger traffic, such as it was, and, in any event, as will be seen above, the agreement would not expire for approximately two and a half years.

However, a source of revenue to the applicants that must not be overlooked are the receipts from the tolls taken on the Cornwall-Northern New York International Bridge. By virtue of a lease, dated November 19, 1932, between the Ottawa and New York Railway Company and the New York Central Railway Company as lessors and the Cornwall-Northern New York International Bridge Corporation, as lessee, certain proportions of revenues are reserved to the lessors. These are as follows:—

“For and during the term of twenty-five (25) years and six (6) months, unless terminated as hereinafter provided, to commence on the first day of July, 1932, and to end on the thirty-first day of December, 1957, at the annual rental or sum of One Dollar (\$1) for the portion of the term of this lease prior to December 31, 1933, at an annual rental or sum payable in monthly instalments as hereinafter provided, equal to ten (10) per centum of the gross revenue received from the operation of the Tollway during each year of the portion of the term of this lease from December 31, 1933, to December 31, 1937; at an annual rental or sum, payable in monthly instalments as hereinafter provided, equal to fifteen (15) per centum of the gross revenue received from the operation of the Tollway during each year of the portion of the term of this lease from December 31, 1937, to December 31, 1942; and at an annual rental or sum, payable in monthly instalments as hereinafter provided, equal to twenty-five (25) per centum of the gross revenue received from the operation of the Tollway during each year of the remaining portion of the term of this lease from December 31, 1942, to December 31, 1957.”

The revenues received by the applicant company from this source are as follows:—

Rental being 10% of earnings

Year 1935.. . . .	\$5,000.00
“ 1936.. . . .	5,527.25
“ 1937.. . . .	6,685.89

Rental being 15% of earnings

Year 1938.. . . .	\$9,099.38
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These are increasing and, as the years go by, although problematical, may quite possibly reach substantial proportions. These revenues have not been credited to passenger service but have been included in the statement showing losses on freight traffic. Mr. Chevrier contended that these revenues should not be separated from the rest of the picture under review at this hearing but should be placed against passenger losses. While I am inclined to agree with this, the fact remains that although they are shown in the statement with regard to freight traffic, in the same statement are included costs of maintenance of the right of way and structures. No such charges or a proportion of such charges are set against passenger earnings. If they were, and they could easily be, the passenger traffic losses, notwithstanding the bridge earnings, would, in my opinion, show to be even greater than as represented. Consequently, I do not think by this system of accounting any undue prejudicial picture has been presented.

The cost of maintenance of way and structures as submitted by the applicant company is as follows:—

1935	1936	1937
\$34,710.00	\$42,942.00	\$39,168.00

This would seem reasonable with regard to mileage involved.

In addition to these expenses, taxes are shown as follows:—

1935	1936	1937
\$12,777.00	\$13,520.00	\$17,036.00

an increase, incidentally, of almost 35% in 1937 over 1935. No proportion of these taxes is charged against passenger revenues. On the whole, I do not think that by any possible readjustment of figures the picture, in so far as passenger service is concerned, could be greatly improved. I think we must accept the fact that they must be to the applicants distressingly low. The private motor car, the bus and better roads would appear to have severely encroached on the passenger traffic. All those in opposition were quite willing to concede the fact that when the roads were open in the vicinity of the applicants' line, in the main they would be used rather than the trains. In fact the learned Chief Commissioner advanced the suggestion that the situation might be met perhaps should two trains be eliminated during the summer months and put back into service again in the winter months. All opposed to the application were quite agreeable to this possible solution; thus would seem to be shown the fact that fear of the roads being impassable in winter principally prompted the chief opposition to the application. However, it would appear from the evidence of Mr. Lacombe, Clerk of the Township of Russell, that steps have recently been taken to keep the roads ploughed in winter. No provincial highway runs directly through the territory of the railway, but within reasonable striking distance provincial highway No. 31 runs from Ottawa to Morrisburg and meets there provincial highway No. 2 to Cornwall. In addition, from a study of the official Ontario Government road map, 1938-1939, the district in question would appear to be well served by improved county roads. There is a regular bus line running from Cornwall to Ottawa, making the trip in two and a quarter hours as against slightly over two hours from Cornwall to Ottawa by train. It was stated that a large number of people from the Township of Russell work in the mills in Cornwall and they would be inconvenienced by a reduction in passenger service, especially in winter. Although not entirely indicative, a census of the traffic taken October 31st to November 10, 1938, inclusive, on train No. 60, leaving Ottawa at 7.55 a.m. and arriving at Cornwall at 10.02 a.m. (Exhibit No. 10), shows that in the above period there was only one passenger carried from Russell to

Cornwall. There is no question as to the lightness of passenger traffic along this line notwithstanding the large population in Ottawa and the alleged inclusive population in Cornwall and district of some 30,000. A summary of the average number of passengers carried per day between the period October 31st and November 11, 1938, inclusive, on the four trains, is as follows:—

No. of Train	No. of Passengers	Arrives	Leaves	Time
60	16		Ottawa	7.55 a.m.
61	16	Ottawa		10.35 a.m.
62	24		Ottawa	3.50 p.m.
63	20	Ottawa		7.30 p.m.

(Distance to Helena 63.42, or say $\frac{1}{2}$ miles; four ways—288 miles; average 4 trips—76 passengers or about $1\frac{1}{2}$ passengers for every four miles, or less than one passenger for every two miles.)

No objections were filed by the City of Ottawa to either the original application or the present application. The Post Office Department, under date of November 3, 1938, filed a protest to the original application to abandon all passenger service, but Mr. Scott in his letter of December 20, 1938, to the Board, states his understanding is that as far as the Royal Mail is concerned it will be satisfied with the modified application, and it entered no protest at the hearing. The Ottawa newspapers have withdrawn their original protests.

There remains an important phase to consider. In the beginning this line was bonused in the way of grants of land and money by persons and municipalities. Placed in evidence as exhibit No. 16 is a copy of an express or implied agreement in the form of a by-law of the Township of Russell and purporting to be signed by one Chas. Hibbard as President of the Ottawa and New York Railway. This document is dated to take effect on or about the 1st of June, 1897. There is no evidence of the railway company's seal having been affixed. The first paragraph reads as follows:—

“By-law No. 114B. of the Township of Russell.

By-law of the Township of Russell to aid and assist the Ontario Pacific Railway Company on the terms and conditions hereinafter expressed, by giving Ten Thousand Dollars to the said Company by way of Bonus, and to issue Debenture therefor and to authorize the levying of a Special Rate for the payment of the Debentures and the interest thereon.”

Farther down in the said By-law it is stated:—

“And Whereas, in consideration of the said Bonus, the said Ontario Pacific Railway Company agree to erect and maintain for all time to come a Station at the Village of Embrun, situate on lot Number EIGHT, in the SEVENTH Concession of the Township of Russell, on the North side of the Castor River intermediary between the concession road running between the Sixth and Seventh Concession and Eighth Concessions of the said Township, also a station in the Village of Russell and Duncanville, at a point to be determined upon the Company's Engineer, adjacent to the concession line, between the Second and Third Concession, of the said Township of Russell, extending South to the dividing line between the North and South halves No. 12, granting aid to the said Railway, and shall have the said Railway in operation in the Month of July, 1898. *That the said Railway Company shall run on their said Railway, at least two passenger trains each between Ottawa and Cornwall which shall each way stop for passengers at all stations on the line of their railway.*

Be it therefore enacted, by the Municipal Council of the Municipality of the Township of Russell, that it shall be lawful for the said Municipality to aid and assist the Ontario Pacific Railway Company, by giving thereto the sum of Ten Thousand Dollars by way of Bonus on the conditions herein expressed.”

It will be noticed in the above consideration clause that it is stated, *inter alia*, "that the said railway company shall run on their said railway at least two passenger trains each between Ottawa and Cornwall, etc." It is somewhat vague wording but I think it can be taken to have meant two trains each way. Let us assume for the sake of argument, and under all circumstances, an implied agreement has been created to run two trains each way. How does this affect the situation?

It would appear that it has been well established by authority that agreements between parties unless confirmed by Dominion Act (such provincial legislation is not binding) so as to constitute the agreement part of the Statute in the form of a Special Act are not binding upon the Board. (*City of Vancouver v. Vancouver, Victoria & Eastern Railway & Navigation Company*, 20 C.R.C. 72; *Increase in Rates Case*, 22 C.R.C. 49; *Crow's Nest Pass Rates*, 30 C.R.C. 32; (1925) 2 D.L.R. 755, (1925) S.C.R. 155; *Manitoba et al. v. C.N.R. et al*, 30 C.R.C. 27, (1925) D.L.R. 601, (1925) S.C.R. 18.)

It has not been shown in evidence that the purported agreement in question at any time attained this status by being confirmed by a Dominion Act.

Again, in the following judgments of the Supreme Court of Canada it has been laid down that while an agreement is an element to be considered by the Board in determining the rights of the parties, it is not binding on the Board—(*Montreal Park & Island Railway Co. v. City of Montreal*, 11 C.R.C. 254; *G.T.R. v. City of Edmonton*, 15 C.R.C. 445.)

Section 35 of the Railway Act specifically deals with jurisdiction of the Board with regard to agreements. With reference to this section Mr. Commissioner Boyce in *City of Montreal v. G.T.R. Co.* (Cote St. Paul case), 25 C.R.C. 448 states:—

"It provides no more than, that where it is complained by or on behalf of the parties named, that a railway company has violated or committed a breach of an agreement, applicable to certain matters (of which the one in question is one), that the Board shall hear all parties, relating to such violation or breach, and shall make such order as to the Board may seem *reasonable and expedient*, and any such order may, *in its discretion*, direct the company, etc., to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation, or a breach thereof. It is, I think, quite clear that under this section the Board, while required to hear all matters relating to the alleged violation, or breach, has a full and open judicial discretion to make such order as to it may seem reasonable and expedient and may, in its discretion (not shall) direct the company to perform the agreement, or to refrain from committing acts which violate it."

and I can see no reason to dispute this contention.

So, in my opinion, should the continued and prospective loss to the applicants outweigh the necessity of and inconvenience to the public served along the line, the purported agreement or any similar agreements should not prevail in so far as the decision of the Board is concerned; reserving, of course, to the affected party or parties whatever rights or remedies may be open to them in the civil courts.

It has been said elsewhere that where a branch line is suffering loss then the parent system, if able, in certain cases should be required to absorb the loss. Illustrative of this principle is the case of the Municipality of Wilberforce, et al, v. Canadian Northern Railway, 25 C.R.C. 439. But in the case at hand it has been shown that the deficit of the New York Central Railway Company in 1938 was some \$20,000,000.

With regard to the suggestion mentioned above that the four passenger trains be maintained in service during the winter months, submissions in connection therewith were permitted by the Board to be filed following the hearing. Statements showing the consequent effect on revenues and expenses, etc., were filed by the applicants. These were carefully and ably attacked by Mr. Chevrier. Considerable argument by correspondence was placed on file with regard to the correctness of the figures. However, an analysis of these further submissions (based on 1938 figures) would appear to show that in so far as passenger service is concerned, the average losses per month during the winter months come very close to the average per month losses during the open season. So, on the whole, I conclude the picture would not be greatly improved.

From the foregoing, and considering the applicants will still be submitting to a substantial loss on passenger traffic by maintaining one train a day each way, I would grant the application. It is natural and regrettable that some inconvenience will be suffered by those affected, but I have no doubt in my mind that the necessity of maintaining the present service does not outweigh the plight of the applicants.

In my opinion, therefore, an order should go permitting the applicants to eliminate from their passenger service between Ottawa, Ont., and the International Boundary en route to Helena, N.Y., train No. 60 leaving Ottawa at 7.55 a.m., daily, except Sunday, for Helena, N.Y., and train No. 63 leaving Helena, N.Y., at 3.55 p.m. daily, except Sunday, for Ottawa, Ont.

June 28, 1939.

The Chief Commissioner and Commissioners Stoneman and Stone concurred.

Application of the New York Central Railroad Company and the Ottawa and New York Railway Company, for an Order authorizing the putting into effect of a reduction of train service from two trains a day each way to one train each way over the line of the Ottawa and New York Railway Company, between Helena, N.Y., and Ottawa, Ont.

File No. 20632.1

GARCEAU, Deputy Chief Commissioner:

I am in agreement with the findings of the majority judgment upon all questions of fact, but, with due deference, I submit that the Agreement filed by the Respondents is an agreement which does not encroach on any of the judicial or discretionary powers of the Board or against any legal enactments, nor does it fall within the scope of Section 35 of the Railway Act. In my view, the authorities quoted at pp. 5 and 6 of the Judgment do not apply.

Those judgments have reference to agreements encroaching, the first one, on the authority of the Board, under Section 188, as to the location of stations; the others, as to the fixing of rates, under Sections 324 and 325 and as to highway crossings and the apportionment of costs, under Sections 256, 259 and 39.

That "no one can, by private agreement, validly contravene the laws of public order or good morals" is an acknowledged principle of law and the jurisdiction of the Courts "ratione materiae" is a law of public order.

It is not claimed, and it could not be claimed, that the actual contract is contravening or encroaching on any of the powers of the Board or against any law; it is legal "intra vires" of the contracting parties. It does not limit the accommodation to be given to the public.

The judgment in *City of Montreal v. G.T. Ry.*, 25 C.R.C., p. 448, deals with Section 35. In that case, the City of Montreal *complained* that the rail-

way had violated an Agreement as to the running of its trains, and the Board, using the discretionary powers it has under Section 35, did not deem it expedient and reasonable to order the railway to perform the Agreement. That judgment was certainly rendered under the dispositions of Section 35.

In this instance, it is not *complained by the Applicant that an Agreement has been violated*, and I submit respectfully that Section 35 applies only "*where it is complained by or on behalf of the Crown or of any municipal or other corporation or any other person, that the company has violated or committed a breach of an Agreement between the complainant and the company—or by the company, that such corporation or person has violated or committed a breach of an Agreement between the company and such corporation. . . .*"

This wording is quite clear and unambiguous. It determines specifically when this Section applies, and no more. This contention is in accordance with the Judgment of the Privy Council *re: Ouellette v. C.P.R.*, 30 C.R.C., p. 207:—

"Where the language of a Statute is clear and unambiguous, a Court cannot go outside the four corners thereof to construe it. The words of this Section not being ambiguous should not be interpreted by a reference to a previous legislation upon the subject."

The Board has held, 35 C.R.C. p. 9, Municipal District of Strathcona, Alta., v. C.N.R., that "R.S.C. 1927, chap. 170, section 35, being an invasion of a field lying within the scope of the jurisdiction of the civil courts, should be strictly construed and that authority to approve the agreement in question was not within the wording of the Section."

It is certainly not within the wording of the Section that the Board issue an Order permitting the violation of a contract duly made, for this application indirectly asked the Board for such an Order, i.e., to be relieved of the contractual obligation of running two trains daily between Helena, N.Y., and Ottawa, Ont.

However, if the actual contract has been validly made, is it still binding between the parties?

The Board, being a court of record has full jurisdiction to hear and determine all matters whether of law or of fact.

This Agreement is bilateral or synallagmatic, that is to say, reciprocal "do ut das."

The railway is bound to run two trains daily, and the public although it has fulfilled part of its obligation, paid a bonus, was and is still obliged implicitly but necessarily by the Agreement to bring its traffic to the railway.

This Agreement was entered into in 1898 when the railways had the monopoly as public carriers.

There could, then, be no other consideration for the boni paid by the public, either through corporations or legislatures, than the use of the railway for its traffic, and the railway was to run two trains daily between Cornwall and Ottawa, to carry this traffic.

This consideration, though not expressed, was essential and necessarily implied and as binding as if stated.

It is a general principle of law that a "contract or agreement is not less valid though the consideration is not expressed . . ." (C.C. 989).

Moreover, in any synallagmatic contract or agreement, there is always an implicit cancellation clause (clause résolutoire) in favour of both parties, in case one of the contracting parties does not fulfil its obligations; this, again, is an acknowledged principle of common law embodied in C.N. 1184.

It is proven beyond doubt that for several years the public has failed to bring its traffic to the railway, resulting in great loss for the railway.

This traffic, which was an essential consideration of the contract and the reason why two trains should be run daily between Ottawa and Cornwall, has been diverted for the most part to other transportation conveniences.

Can the public, as represented by its corporations or Legislatures, in such circumstances, legally invoke the benefit of an Agreement or contract which it has violated for years?

The public has committed a breach of the Agreement and by so doing is legally barred from invoking its benefit, the implied cancellation clause has operated.

"Frusta legis auxilium quaerit, qui in legem committit" (Vainly he seeks the protection of the law who has infringed the law).

An Agreement is the law between the parties.

I have held in previous judgments, reported in Judgments, Orders, Regulations and Rulings of the Board, vol. 25, pp. 315 and 476, and vol. 26, p. 45, that the agreements were still binding the railways, but in those instances, the railways had committed a breach of agreement by cancellation of trains or impractical and inconvenient schedule, with the result that the public could not use the railway for most of its traffic.

It is evident that those judgments cannot apply.

I would agree with the conclusions of the majority judgment, and would grant the application.

July 24, 1939.

ORDER No. 57816

In the matter of the application of the New York Central Railroad Company, lessee of the Ottawa and New York Railway and the New York Railway Company, lessor, hereinafter called the "Applicant Company," for authority to reduce the train service over the line of the Ottawa and New York Railway between Helena, in the State of New York, and Ottawa, Ontario, from two trains a day each way to one train each way.

File No. 20632.1

THURSDAY, the 3rd day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa on January 31st, 1939, in the presence of counsel for the Applicant Company, the Counties of Stormont, Dundas and Glengarry, and the Town of Cornwall, and representative of the County of Russell, and what was alleged;

It is ordered: That the Applicant Company be, and it is hereby, authorized to eliminate from its passenger service between Ottawa, Ontario, and the International Boundary en route to Helena, New York, train No. 60 leaving Ottawa at 7.55 a.m., daily except Sunday, for Helena, New York, and train No. 63, leaving Helena, New York, at 3.55 p.m., daily except Sunday, for Ottawa, Ontario.

H. GUTHRIE,

Chief Commissioner.

Application of the T. H. & B. Railway Company and the City of Hamilton to construct a new high bridge and approaches thereto carrying the line of Dundurn Street S. over the tracks of the railway company, Hamilton, Ont. (Case 2739.)

JUDGMENT

WARDROPE, ASSISTANT CHIEF COMMISSIONER:

This joint application was heard at Ottawa, Ontario, on 29th June, 1939, in the presence of Mr. John A. Soule, K.C., and Mr. H. T. Malcolmson for the applicant railway, Mr. A. J. Polson, K.C., for the City of Hamilton, and Mr. O. M. Walsh, K.C., for the United Gas & Fuel Company of Hamilton.

The present northerly structure carrying Dundurn Street South over the tracks of the Toronto, Hamilton & Buffalo Railway, in the City of Hamilton, is one of wood. It was constructed under the Board's orders No. 9026 of 20th December, 1909; No. 9240 of 10th January, 1910; and No. 11647 of 13th September, 1910. One-third of the cost of construction of this bridge was borne by the City of Hamilton, and two-thirds by the applicant railway company. The cost of maintenance, except road, sidewalk, planking, guard-rails, hand-rails and posts, was at the expense of the railway company. This wooden bridge is now in a dangerous state of repair. Since the time of the above orders and the construction of the bridge, railway traffic thereunder has considerably decreased while, on the other hand, vehicular and foot traffic thereover has greatly increased owing to the arterial nature of Dundurn Street in connecting with other streets and roads. Both the railway company and the City of Hamilton have agreed upon plans for a new structure of steel with extensive fills at either end, thus shortening the proposed new structure in comparison with the old. The plans submitted have been approved by the Board's Chief Engineer. The estimated cost of the work involved is \$104,042.55. The joint application asks that a contribution of 70 per cent of the cost of construction be recommended by the Board from Special Supplementary Estimates, Vote 585, Department of Transport 1939-1940.

The public utilities concerned, if the above structure is to be erected, are the Hydro Electric Commission of the City of Hamilton and the United Gas and Fuel Company of Hamilton. The Hydro Electric Commission, on the understanding that any necessary alteration and costs to be borne by them will be negligible, is not asking for a ruling of the Board.

With regard to the position of the United Gas and Fuel Company, the situation is somewhat unusual. The bridge was primarily erected in the interests of public safety. This being so, and following the usual and established practice of the Board, the utility companies concerned would normally bear the costs of any required alterations to their equipment.

No change would be necessary as far as the United Gas and Fuel Company's pipe lines are concerned if the existing bridge were to be reconstructed according to the original plans. However, due to decreased railway operation, the new bridge as planned will be much shorter than the existing bridge. At each end of the proposed bridge the highway will be carried over extensive fills which will bury the gas pipes of the United Gas and Fuel Company some twenty-five feet, thus making it out of the question to maintain the pipe lines or utilize them. On account of these fills and the new construction, these pipes will have to be abandoned. The advantages of the proposed type of replacement are clearly with the applicants. In my opinion, these features are sufficient to vary the usual practice, and I would add the total cost, as estimated by the Gas Company they would suffer by the proposed replacement, to the estimated cost of the new structure, and apportion it as hereinafter set forth. The estimated cost to the Gas Company is as follows:—

(a) To cost of altering and changing location of eight-inch intermediate gas line running to Westdale and Dundurn Street, North Hamilton.. . . .	\$ 384 07
(b) To value of 514 feet of six-inch gas line which it will be necessary to abandon.. . . .	397 00
Total	\$ 781 07
Adding this to the total cost of.. . . .	104,042 55
Would make a total cost of.. . . .	\$104,823 62

As shown above by the former orders the City of Hamilton paid one-third of the original cost of construction and the applicant railway company two-thirds. Since those days circumstances have greatly altered conditions in bridge and approaches, both of which will be considerably wider to accommodate increased vehicular traffic, and, consequently, more expensive than a mere duplication of the old structure. In other words, this is something not caused by the railway applicant. On the other hand, the railway movements have greatly decreased.

In my opinion an order should go in accordance with the following:—

- (a) Approving of plans filed and authorizing construction of new bridge and approaches thereto;
- (b) That the Corporation of the City of Hamilton be responsible for and bear the cost of land damages, if any, caused by the new construction so authorized;
- (c) That construction be carried out in accordance with Board's General Order No. 589;
- (d) That the railway company be authorized to take for the joint account without consent of the owners all of the lands not now owned by the railway company or the said City, as shown in red on plan and profile and book of reference combined on file with the Board, dated May 17, 1939, and numbered 1355, under the provisions of sec. 200, et seq, of the Railway Act;
- (e) That a contribution of 70 per cent of the total estimated cost of \$104,823.62 (which includes the estimated cost of the United Gas and Fuel Company) be recommended towards this project due to the extensive earth fills and other work requiring considerable local labour; this contribution to be from Vote 585, Special Supplementary Estimates, 1939-1940, Department of Transport;
- (f) That with respect to the balance of the above estimated cost of \$104,823.62, the applicant railway company be assessed 15 per cent and the City of Hamilton be assessed 15 per cent; maintenance to be upon the railway, excepting thereout maintenance of roadway, sidewalks, guard rails, hand rails, lighting, posts, etc., for the use and benefit of vehicular and pedestrian traffic which shall be borne by the said City of Hamilton.

July 14, 1939.

The Chief Commissioner and Commissioners Stoneman and Stone concurred.

ORDER No. 57817

In the matter of the application of the Toronto, Hamilton and Buffalo Railway Company (hereinafter called the Railway Company) and the Corporation of the City of Hamilton (hereinafter called the City) jointly, under Sections 39, 250, 251 and 257 of the Railway Act, for authority to construct a new highway bridge and approaches thereto carrying the line of Dundurn street, in the City of Hamilton, over the tracks of the Railway Company at the intersection of Dundurn street South, and for authority to the United Gas and Fuel Company of Hamilton, Limited, to reconstruct, alter or change its works in order to carry out the changes involved by the construction of the said bridge, as shown on plan, profile and book of reference combined No. 1355, dated May 17, 1939, on file with the Board under Case No. 2739.

WEDNESDAY, the 9th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Ottawa, June 29th, 1939, in the presence of counsel for the Railway Company, the City, and the United Gas and Fuel Company of Hamilton, Limited, and what was alleged—

It is ordered:

1. That the Railway Company and the City construct a new highway bridge and approaches thereto carrying the line of Dundurn street, in the City of Hamilton, over the tracks of the Railway Company at the intersection of Dundurn street South, as shown on the said plan, profile and book of reference combined No. 1355, dated May 17th, 1939, on file with the Board under Case No. 2739.

2. That the work in connection with the proposed structure be carried out in accordance with the provisions of General Order of the Board No. 589, dated May 27th, 1939.

3. That the Railway Company take for the joint account without consent of the owners all of the lands not now owned by the Railway Company or the said City, as shown in red on the said plan, profile and book of reference combined under the provisions of Section 200, *et seq.*, of the Railway Act.

4. That, with the approval of the Governor in Council by Order in Council P.C. 2107, dated 2nd August, 1939, seventy per cent of the total estimated cost (which includes the estimated cost of the United Gas and Fuel Company of Hamilton, Limited), not exceeding, however, the sum of \$73,376.53, be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 585, Special Supplementary Estimates 1939-40.

5. That with respect to the remainder of the cost, fifteen per cent be borne and paid by the Railway Company and fifteen per cent by the City; maintenance to be upon the Railway Company, excepting thereout maintenance of roadway, sidewalks, guard rails, hand rails, lighting and posts for the use and benefit of vehicular and pedestrian traffic which shall be borne by the said City.

6. That as regards that portion of the construction work in question to be executed directly by the Railway Company, authority be given for entry into an agreement with the said Railway Company excepting the proposed payment from the operation of Section 5 of The Fair Wages and Hours of

Labour Act, 1935; and that, as regards that portion of the construction work to be executed by the contractors of the Railway Company, or by the City or its contractors, such payment be subject—

(1) to the proviso that the Railway Company and the United Gas and Fuel Company of Hamilton, Limited, and the City shall agree with His Majesty, represented by the Minister of Transport, in such form as the said Minister may approve, that all persons employed in the execution of the work herein referred to shall, while so employed during the continuance of the execution of the work, be paid fair wages and that the working hours of such persons shall not exceed eight hours per day nor forty-four hours per week while so employed, all in accordance with the provisions of The Fair Wages and Hours of Labour Act, 1935; and

(2) to the additional provisions that—

- (a) No casual labourers shall be employed in the execution of the said works other than residents of the district concerned, if available and competent;
- (b) No resident eligible for employment shall be discriminated against by reason of his religious views or political affiliations;
- (c) Political favouritism and political intimidation shall alike be avoided;
- (d) Only goods and materials of Canadian manufacture or production shall be used if available;

and that the Minister of Labour for Canada may designate a representative whose duty and responsibility it shall be to see that the above terms of agreement (as in this clause (2) set out) are carried out and that such representative may from time to time, as required, appoint local or district representatives to confer with the officers of the Railway Company, or of the City, or with their respective contractors or their respective representatives, performing or responsible for the work covered by this Order, with authority to enforce the said terms and/or to report to the said representative of the Minister of Labour any failure to comply with the said terms.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57746

In the matter of the application of Starratt Airways & Transportation Limited, under Section 18 of the Transport Act, 1938, for approval of By-Law, adopted by the Board of Directors of the Company on February 25, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.13

THURSDAY, the 20th day of July, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said By-Law No. 7 of Starratt Airways & Transportation Limited, adopted February 25, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be

charged in respect of the aircraft owned or operated by the Company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.13, be, and it is hereby, approved.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER NO. 57805

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 3rd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 3 to tariff C.T.C. No. 1083, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Sub-section 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 3 to tariff C.T.C. No. 1083 approved herein, are as follows:—

From	Cents Per Barrel
Ellerhouse, N.S.	23
Newport, N.S.	22½
Windsor, N.S.	23½
Hantsport, N.S.	24½
Avonport, N.S.	26½
Port Williams, N.S.	27½
Kentville, N.S.	29½
Cold Brook, N.S.	32
Berwick, N.S.	36
Aylesford, N.S.	23½
Kingston, N.S.	24½
Wilmot, N.S.	27½
Annapolis Royal, N.S.	26½
Clementsport, N.S.	26½
Digby, N.S.	26½
North Range, N.S.	27½
Yarmouth, N.S.	27½
Brooklyn, N.S.	27½
Mosherville, N.S.	27½
Clarksville, N.S.	27½
Kennetcook, N.S.	27½
South Maitland, N.S.	27½
Lower Truro, N.S.	27½
Mill Village, N.S.	27½
Kingsport, N.S.	27½
Billtown, N.S.	27½
Grafton, N.S.	27½
Somerset, N.S.	27½
Weston, N.S.	27½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57809

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 3rd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in tariff C.T.C. No. 1105, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said tariff C.T.C. No. 1105 approved herein, are as follows:—

To	Cents per 100 pounds	
	From Halifax, N.S.	Windsor, N.S.
Fairville, N.B.	21	21
South Bay, N.B.	21	20
Grand Bay, N.B.	21	20
Westfield Beach, N.B.	21 $\frac{1}{2}$	21
Nerepis, N.B.	21 $\frac{1}{2}$	20
Blagdon, N.B.	21 $\frac{1}{2}$	20
Welsford, N.B.	22	21
Clarendon, N.B.	22	21
Wirral, N.B.	22 $\frac{1}{2}$	21 $\frac{1}{2}$
Inniskillen, N.B.	22 $\frac{1}{2}$	21 $\frac{1}{2}$
Hoyt, N.B.	22 $\frac{1}{2}$	21 $\frac{1}{2}$
Bailey, N.B.	23 $\frac{1}{2}$	22 $\frac{1}{2}$
Fredericton Jct., N.B.	23 $\frac{1}{2}$	22 $\frac{1}{2}$
Tracy, N.B.	23 $\frac{1}{2}$	22 $\frac{1}{2}$
Vespra, N.B.	24 $\frac{1}{2}$	23
Rooth, N.B.	24 $\frac{1}{2}$	23
Cork, N.B.	24 $\frac{1}{2}$	23
Harvey, N.B.	25	24
Prince William, N.B.	26	24
Magaguadavic, N.B.	26	24
McAdam, N.B.	26 $\frac{1}{2}$	24
Bay Shore, N.B.	21 $\frac{1}{2}$	20 $\frac{1}{2}$
West Saint John, N.B.	21 $\frac{1}{2}$	20 $\frac{1}{2}$
Rusagonis, N.B.	24	24
Waasis, N.B.	23 $\frac{1}{2}$	24
Doak, N.B.	23 $\frac{1}{2}$	24
Oborne, N.B.	23 $\frac{1}{2}$	24
Morrison, N.B.	23 $\frac{1}{2}$	24
Fredericton, N.B.	20 $\frac{1}{2}$	20
Barber Dam, N.B.	26 $\frac{1}{2}$	24
Lawrence, N.B.	26 $\frac{1}{2}$	24
Watt, N.B.	26 $\frac{1}{2}$	24
Honeydale, N.B.	26 $\frac{1}{2}$	24
Gilman, N.B.	27 $\frac{1}{2}$	24
Moore's Mills, N.B.	27 $\frac{1}{2}$	24
Maxwell, N.B.	26 $\frac{1}{2}$	24
Milltown Jct., N.B.	26 $\frac{1}{2}$	24
St. Stephen, N.B.	26 $\frac{1}{2}$	24
Milltown, N.B.	28	24
Dumbarton, N.B.	26	24
Rolling Dam, N.B.	26	24
Hewitt, N.B.	26	24
Brunswick, N.B.	26	24
Roix Road, N.B.	26	24
Waweig, N.B.	26	24
Bartlett, N.B.	26	24
Dougherty, N.B.	26 $\frac{1}{2}$	24
Chamcook, N.B.	26 $\frac{1}{2}$	24

To	Cents per 100 pounds	
	From Halifax, N.S.	Windsor, N.S.
Bar Road, N.B.	26 $\frac{1}{2}$	24
St. Andrews, N.B.	26 $\frac{1}{2}$	24
Bonny River, N.B.	24 $\frac{1}{2}$	23
St. George, N.B.	23 $\frac{1}{2}$	22
Utopia, N.B.	23 $\frac{1}{2}$	22
Sherwood Siding, N.B.	23 $\frac{1}{2}$	22
Pennfield, N.B.	23 $\frac{1}{2}$	22
New River, N.B.	22 $\frac{1}{2}$	22
Lepreaux, N.B.	22	21
Musquash, N.B.	21 $\frac{1}{2}$	20 $\frac{1}{2}$
Taylors, N.B.	21 $\frac{1}{2}$	20 $\frac{1}{2}$
Allan Cot, N.B.	21 $\frac{1}{2}$	20 $\frac{1}{2}$
Spruce Lake, N.B.	21	20 $\frac{1}{2}$
Cottrell, N.B.	28	27
Sugar Brook, N.B.	28	27
Deer Lake, N.B.	27	25 $\frac{1}{2}$
Shogomoc, N.B.	27	25 $\frac{1}{2}$
Canterbury, N.B.	26 $\frac{1}{2}$	25
Marne, N.B.	26 $\frac{1}{2}$	25
Scott, N.B.	26 $\frac{1}{2}$	25
Benton, N.B.	26	25
Oak, N.B.	26	25
Wickham, N.B.	26	25
Debec Jct., N.B.	26	25
Woodstock, N.B.	22 $\frac{1}{2}$	22 $\frac{1}{2}$
Upper Woodstock, N.B.	25 $\frac{1}{2}$	24 $\frac{1}{2}$
Newburg, N.B.	25 $\frac{1}{2}$	24 $\frac{1}{2}$
Tedlie, N.B.	25 $\frac{1}{2}$	24 $\frac{1}{2}$
Nixon, N.B.	25 $\frac{1}{2}$	24 $\frac{1}{2}$
Deep Creek, N.B.	26	25
Hartland, N.B.	26	25
Hale, N.B.	26	25 $\frac{1}{2}$
Peel, N.B.	26	25 $\frac{1}{2}$
Stickney, N.B.	26	25 $\frac{1}{2}$
Florenceville, N.B.	26 $\frac{1}{2}$	25 $\frac{1}{2}$
Bristol, N.B.	26 $\frac{1}{2}$	25 $\frac{1}{2}$
Bath, N.B.	26 $\frac{1}{2}$	25 $\frac{1}{2}$
Beechwood, N.B.	27	26
Upper Kent, N.B.	27	26
River de Chute, N.B.	27	26
Muniac, N.B.	28	27
Kilburn, N.B.	28	27
Inman, N.B.	28	27
Perth Jct., N.B.	27	26
Andover, N.B.	27	26
Aroostook, N.B.	27	26
Morrill, N.B.	26 $\frac{1}{2}$	25 $\frac{1}{2}$
Limestone, N.B.	26 $\frac{1}{2}$	25 $\frac{1}{2}$
Ortonville, N.B.	26	25 $\frac{1}{2}$
Argosy, N.B.	26	25 $\frac{1}{2}$
Grand Falls, N.B.	22 $\frac{1}{2}$	22 $\frac{1}{2}$
Andre, N.B.	22 $\frac{1}{2}$	22
Martin, N.B.	22 $\frac{1}{2}$	22
Rivard Siding, N.B.	22 $\frac{1}{2}$	22 $\frac{1}{2}$
St. Leonard, N.B.	22 $\frac{1}{2}$	22 $\frac{1}{2}$
Sigas, N.B.	22 $\frac{1}{2}$	22 $\frac{1}{2}$
Quisibis, N.B.	23 $\frac{1}{2}$	23 $\frac{1}{2}$
Therault, N.B.	23 $\frac{1}{2}$	23 $\frac{1}{2}$
Green River, N.B.	23 $\frac{1}{2}$	23 $\frac{1}{2}$
St. Basil, N.B.	23 $\frac{1}{2}$	23 $\frac{1}{2}$
Edmundston, N.B.	23 $\frac{1}{2}$	23 $\frac{1}{2}$
Elmwood, N.B.	26	25
Green Road, N.B.	26	25
McKenna, N.B.	25 $\frac{1}{2}$	24 $\frac{1}{2}$
Shewan, N.B.	26	25
Carr, N.B.	26	25
County Line, N.B.	26	25
Nackawic, N.B.	26 $\frac{1}{2}$	25
Millville, N.B.	26 $\frac{1}{2}$	25
Southampton, N.B.	26 $\frac{1}{2}$	25
Hainesville, N.B.	26 $\frac{1}{2}$	25
Cahill, N.B.	25	24
Burt's Lake, N.B.	25	24
Barton, N.B.	25	24
Hayne, N.B.	24 $\frac{1}{2}$	23
Stoneridge, N.B.	24 $\frac{1}{2}$	23
Zealand, N.B.	24 $\frac{1}{2}$	23

To	Cents per 100 pounds	
	From Halifax, N.S.	Windsor, N.S.
Burt's Corner, N.B.	24	22½
Keswick, N.B.	24	22½
Clanfield, N.B.	23½	22½
Nashwaaksis, N.B.	23½	23½
North Devon, N.B.	23½	23½
South Devon, N.B.	20½	20
Caverhill, N.B.	26	25
Pinder, N.B.	26	25
Cullerton, N.B.	26	25
Otis, N.B.	27	25½
Tobique Narrows, N.B.	28	27
Rowena, N.B.	28	27
Currie, N.B.	28	27
Hillside, N.B.	28	27
Red Rapids, N.B.	29	28
Licford, N.B.	29	28
Arthurette, N.B.	29	28
Odell River, N.B.	29	28
Beveridge, N.B.	29	28
Reed's Island, N.B.	29	28
Three Brooks, N.B.	29	28
Wapske, N.B.	29½	25
Arbuckle, N.B.	29½	28½
Plaster Rock, N.B.	22½	22½
Tinker, N.B.	26½	25½

One and one half cents per 100 pounds to be deducted account of water haul.

To Saint John, N.B., the Dominion Atlantic Railway Company's proportions will be as shown below.

		From	
Halifax, N.S.		Windsor, N.S.	
Billed	Normal	Billed	Normal
8·5	10·6	7·8	9·7

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57815

In the matter of the application of Wings Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg and/or Lac du Bonnet and Gods Lake, and intermediate points, in the Provinces of Manitoba and Ontario.

File No. 42007.19.8

SATURDAY, the 5th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places, to wit:—

Winnipeg and/or Lac du Bonnet, Little Grand Rapids, Manitoba;
Deer Lake, Ontario; Island Lake, Gods Lake, Ilford, Norway House,
Manitoba; Sachigo, Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1918, dated July 22, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2 of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly—Between Winnipeg and/or Lac du Bonnet, Little Grand Rapids, Deer Lake, Island Lake, Gods Lake;

Monthly—Between Gods Lake, Ilford, Norway House and Sachigo;
by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 38 be issued for the period of one year from August 4, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57813

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 8th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 22 to Tariff C.T.C. No. E. 2629.

Supplement No. 13 to Tariff C.T.C. No. E. 2925.

Tariff C.T.C. No. E. 3068.

Tariff C.T.C. No. E. 3069.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57832

In the matter of the application of Quebec Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Rimouski and Baie Comeau, in the Province of Quebec, including intermediate points.

File No. 42007.5.1

FRIDAY, the 11th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Rimouski, Forrestville, Bersimis, Outardes Falls, Matane, Baie Comeau, Province of Quebec (with alternative terminals on lakes at Rimouski and Val Brilliant as weather conditions demand);

which points and places are specially named by the Governor in Council under Order in Council P.C. No. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Round trip daily, except Sunday, between Rimouski and Baie Comeau from December 1 to April 15, with calls once monthly or more frequently as traffic warrants, at Forrestville, Bersimis, Outardes Falls and Matane, weather and landing conditions permitting;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 40 be issued for the period of one year from August 9, 1939, but shall be operative only for the actual time in such period as the Applicant has undertaken to provide a scheduled service as herein stated.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57841

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

FRIDAY, the 11th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the toll published in item 50 to Clairs, N.B., in Tariff C.T.C. No. E. 2526, filed by the Canadian National Railways under section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the Temiscouata Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 50 to Clairs, N.B., in Tariff C.T.C. No. E. 2526 approved herein is:—

Billed	Cents per 100 pounds	Normal
5		6

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57842

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 11th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1110, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1110, approved herein, are as prescribed in the Order of the Board No. 55038, dated October 16, 1937.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57843

In the matter of the application of Ginger Coote Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Vancouver, Tofino and Zeballos, in the Province of British Columbia.

File No. 42007.17

FRIDAY, the 11th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Vancouver, Tofino, Zeballos, British Columbia; which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1825, dated July 15th, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Tri-Weekly between Vancouver and Zeballos. Weekly calls at Tofino

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 39 be issued for the period of one year from August 8th, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 57847

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 14th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of the said Section 3, namely:—

Supplement No. 62 to Tariff C.T.C. No. E. 1911.

Supplement No. 34 to Tariff C.T.C. No. E. 2526.

Supplement No. 3 to Tariff C.T.C. No. E. 2924.

Supplement No. 14 to Tariff C.T.C. No. E. 2925.

Supplement No. 1 to Tariff C.T.C. No. E. 3026.

Supplement No. 1 to Tariff C.T.C. No. E. 3069.

Tariff C.T.C. No. E. 3078.

H. GUTHRIE,

Chief Commissioner.

ORDER NO. 57851

In the matter of the application of Northern Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Atlin, B.C., and Carcross, Y.T.

File No. 42007.18.

MONDAY, the 14th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Atlin, Province of British Columbia; Carcross, Yukon Territory; which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Summer Season—(June 1—November 1):—

A minimum weekly service to correspond with steamer service at Skagway, Alaska.

Winter Season—(November 1—June 1):—

A minimum twice-weekly service connecting with White Pass and Yukon rail service and all steamer services at Skagway, Alaska;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 41 be issued for the period of one year from August 14, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57852

In the matter of the application of Northern Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Atlin and Telegraph Creek, B.C.

File No. 42007.18.5.

MONDAY, the 14th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Atlin, Telegraph Creek, in the Province of British Columbia; which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1823, dated July 15, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Winter Season—November 15 to April 1 inclusive:—

Twice monthly.

Summer Season—As the traffic may demand, subject to the tariff provisions of the Applicant;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 42 be issued for the period of one year from August 14, 1939.

2. The the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57858

In the matter of the application of Canadian Airways Limited, hereinafter called the "Licensee," for amendment to Licence No. 27, dated June 12, 1939, and of Order No. 57572, dated June 7, 1939, to include Bitumount, Alberta, and Rocher River, Taltson River, Northwest Territories, as additional points of call thereon.

File No. 42007.4.15

MONDAY, the 14th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Licensee was granted Licence No. C.T.C. (A.T.) 27 for application to aircraft services between Edmonton, Alberta, and Aklavik, Northwest Territories, and intermediate points;

And whereas the Licensee is desirous of calling at the following additional intermediate points:

Bitumount, province of Alberta;
Rocher River, Northwest Territories;
Taltson River, Northwest Territories,

which points and places are specifically named by the Governor in Council under Order in Council P.C. 2140, dated August 2nd, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Licensee has established to the satisfaction of the Board its right to a licence under the provisions of Section 5 (2) of the said Act;

And whereas the Licensee has undertaken to provide a weekly service as and when traffic demands and requests that the said points and places be designated as "flag stops"—

Therefore the Board orders:

1. That Order No. 57572, dated June 7, 1939, be, and it is hereby, amended to include the foregoing points and places as intermediate points.

2. That such points and places shall be accorded a weekly service as and when traffic demands, and until further order of the Board, may be designated as flag stops.

3. That Licence No. C.T.C. (A.T.) 27 be amended accordingly.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57857

In the matter of Licence Number C.T.C. (W.T.) 8 issued to the Calvin Shipping Company, Limited, hereinafter referred to as the "Licensee," and amendment to Order No. 57417, dated May 6, 1938.

File No. 42076.17.

THURSDAY, the 17th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas by Order No. 57417, dated May 6, 1939, the Licensee was granted Licence No. C.T.C. (W.T.) 8 in respect of the transportation of goods by water between ports and places within Canada as therein described;

And whereas the Licence so granted applied to the vessel described as follows:—

Name	Official Registry Number	Gross Tonnage
Rahane	148089	2222

which vessel has been withdrawn from the services of the Licensee;

The Board orders: That the said Licence be amended by deleting therefrom the vessel above described and that Order No. 57417, dated May 6, 1939, be, and it is hereby, modified to that extent.

H. GUTHRIE,
Chief Commissioner.

P.C. 2140
PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 2nd day of August, 1939.

PRESENT

The DEPUTY OF HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL:

Whereas, under authority of Order in Council P.C. 953 of April 26, 1939, the following points and places, designated for identification purposes by the route number shown, were named by the Governor in Council on the recommendation of The Board of Transport Commissioners for Canada, pursuant to the provisions of Section 15 (1) (b) of The Transport Act, 1938, for the purposes of making Part III of the said Act applicable to transport by air by means of reasonably regular air transport services between the said points and places:—

<i>Route Number</i>	<i>Points and Places</i>
---------------------	--------------------------

- | | |
|-------|---|
| C. 25 | Edmonton, Lac la Biche, McMurray, Chipewyan, Fitzgerald, in the Province of Alberta, Fort Smith, Resolution, Hay River, Providence, Simpson, Liard, in the Northwest Territories, Nelson Forks, Fort Nelson, in the Province of British Columbia, Wrigley, Norman, Good Hope, Arctic Red River, McPherson, Aklavik, in the Northwest Territories; |
|-------|---|

And whereas the Minister of Transport reports that, under date of July 12, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the Provisions of Part III of The Transport Act, 1938, may fittingly be applied to transport by air between Bitumount, Rocher River and Taslton River, and has recommended that the said Order in Council P.C. 953 of April 26, 1939, be amended so as to provide for the inclusion of the said points and places in the points and places designated therein as Route No. 25 above set out;

Now, therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend Order in Council P.C. 953 of April 26, 1939, and it is hereby amended by the deletion of the following points and places, designated for identification purposes by the route number shown, as they are therein set out, viz.:—

<i>Route Number</i>	<i>Points and Places</i>
---------------------	--------------------------

- | | |
|-------|---|
| C. 25 | Edmonton, Lac la Biche, McMurray, Chipewyan, Fitzgerald, in the Province of Alberta, Fort Smith, Resolution, Hay River, Providence, Simpson, Liard, in the Northwest Territories, Nelson Forks, Fort Nelson, in the Province of British Columbia, Wrigley, Norman, Good Hope, Arctic Red River, McPherson, Aklavik, in the Northwest Territories. |
|-------|---|

and the substitution in lieu thereof of the following points and places as hereinafter set out, namely:—

<i>Route Number</i>	<i>Points and Places</i>
---------------------	--------------------------

- | | |
|-------|--|
| C. 25 | Edmonton, Lac la Biche, McMurray, Bitumount, Chipewyan, Fitzgerald in the Province of Alberta, Fort Smith, Rocher River, Taslton River, Resolution, Hay River, Providence, Simpson, Liard, in the Northwest Territories, Nelson Forks, Fort Nelson, in the Province of British Columbia, Wrigley, Norman, Good Hope, Arctic Red River, McPherson, Aklavik, in the Northwest Territories. |
|-------|--|

H. W. LOTHROP,
Assistant Clerk of the Privy Council.

P.C. 2141

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 2nd day of August, 1939.

PRESENT

The DEPUTY OF HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL:

Whereas, under authority of Order in Council P.C. 953 of April 26, 1939, the following points and places, designated for identification purposes by the route number shown, were named by the Governor in Council on the recommendation of The Board of Transport Commissioners for Canada, pursuant to the provisions of Section 15 (1) (b) of The Transport Act, 1938, for the purposes of making Part III of the said Act applicable to transport by air by means of reasonably regular air transport services between the said points and places:—

<i>Route Number</i>	<i>Points and Places</i>
---------------------	--------------------------

C. 22—Winnipeg and/or Lac du Bonnet, Diana, Beresford Lake, Wadhope, Wallace Lake, Bissett, in the Province of Manitoba;

And whereas the Minister of Transport reports that, under date of 5th of July, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to transport by air between Maskwa, Bird Lake, and Halfway Lake, and has recommended that said Order in Council P.C. 953 of April 26, 1939, be amended so as to provide for the inclusion of the said points and places in the points and places designated therein as Route Number C. 22 above set out;

Now, therefore The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend Order in Council P.C. 953 of April 26, 1939, and it is hereby amended by the deletion of the following points and places, designated for identification purposes by the route number shown, as they are therein set out, viz.:—

<i>Route Number</i>	<i>Points and Places</i>
---------------------	--------------------------

C. 22 Winnipeg and/or Lac du Bonnet, Diana, Beresford Lake, Wadhope, Wallace Lake, Bissett, in the Province of Manitoba.

and the substitution in lieu thereof of the following points and places as hereinafter set out, namely:—

<i>Route Number</i>	<i>Points and Places</i>
---------------------	--------------------------

C. 22 Winnipeg and/or Lac du Bonnet, Maskwa, Bird Lake, Diana, Beresford Lake, Wadhope, Halfway Lake, Wallace Lake, Bissett, in the Province of Manitoba.

H. W. LOTHROP,
Assistant Clerk of the Privy Council.

P.C. 2186

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 11th day of August, 1939.

PRESENT

The DEPUTY OF HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL:

Whereas, under authority of Order in Council P.C. 953 of April 26, 1939, the following points and places, designated for identification purposes by the route number shown, were named by the Governor in Council on the recommendation of The Board of Transport Commissioners for Canada, pursuant to the provisions of Section 15 (1) (b) of The Transport Act, 1938, for the purposes of making Part III of the said Act applicable to transport by air by means of reasonably regular air transport services between the said points and places:—

*Route Number**Points and Places*

- C. 23 Winnipeg and/or Lac du Bonnet, Berens River, Norway House, and Gods Lake, in the Province of Manitoba; Sachigo, in the Province of Ontario; Island Lake, in the Province of Manitoba; Sandy Lake, Northwind Lake, and South Trout Lake, in the Province of Ontario; and Little Grand Rapids in the Province of Manitoba;

And whereas the Minister of Transport reports that, under date of July 26, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the Provisions of Part III of The Transport Act, 1938, may fittingly be applied to transport by air to Deer Lake, in the Province of Ontario, and has recommended that the said Order in Council, P.C. 953, of April 26, 1939, be amended so as to provide for the inclusion of Deer Lake in the points and places designated therein as Route No. 23 set out above;

Now, therefore, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend Order in Council P.C. 953 of April 26, 1939, and it is hereby amended by the deletion of the following points and places, designated for identification purposes by the route numbers shown as they are therein set out, viz:—

*Route Number**Points and Places*

- C. 23 Winnipeg and/or Lac du Bonnet, Berens River, Norway House, and Gods Lake, in the Province of Manitoba; Sachigo, in the Province of Ontario; Island Lake, in the Province of Manitoba; Sandy Lake, Northwind Lake and South Trout Lake, in the Province of Ontario; and Little Grand Rapids, in the Province of Manitoba,

and the substitution in lieu thereof of the following points and places as hereinafter set out, namely:—

*Route Number**Points and Places*

- C. 23 Winnipeg and/or Lac du Bonnet, Berens River, Norway House, Gods Lake, in the Province of Manitoba; Sachigo, in the Province of Ontario; Island Lake, in the Province of Manitoba; Sandy Lake, Northwind Lake, South Trout Lake, Deer Lake, in the Province of Ontario; Little Grand Rapids, in the Province of Manitoba.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

P.C. 2239

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by the Deputy of His Excellency the Governor General on the 11th August, 1939.

The Committee of the Privy Council have had before them a joint report, dated 10th August, 1939, from the Minister of Transport and the Postmaster General representing:

That, under authority of an Order in Council, P.C. 221, dated the 29th of January, 1938, a contract, dated the 1st of June, 1937, was entered into by His Majesty the King, represented therein by the Minister of Transport of Canada, with Trans-Canada Air Lines, covering the organization, operation and maintenance by the Corporation, for a period of ten years, of certain lines of aircraft, the said contract further providing that additional lines of aircraft may be designated from time to time by the Governor in Council while the said contract is in force;

That by Order in Council, P.C. 1886, dated the 15th of July, 1939, a line of aircraft between Montreal, in the Province of Quebec, and Toronto, in the Province of Ontario, via Ottawa, was designated as a line of aircraft to be organized, maintained and operated by Trans-Canada Air Lines, subject to the provisions of the said contract dated the 1st of June, 1937, and the following schedule of services for the operation of the said line of aircraft was approved,—

Westbound		Eastbound	
8.00 a.m.	Lv. Montreal (St. Hubert)	Ar. 7.50 p.m.	
8.50 a.m.	Ar. Ottawa	Lv. 7.00 p.m.	
9.00 a.m.	Lv. Ottawa	Ar. 6.50 p.m.	
10.45 a.m.	Ar. Toronto (Malton)	Lv. 5.00 p.m.	

(All times shown are Eastern Standard.)

That the Ministers have been advised by a letter, dated the 8th of August, 1939, from Philip G. Johnson, Vice-President, Trans-Canada Air Lines, that sufficient demand for passenger travel by air has developed to warrant the provision of an additional line of aircraft between Toronto, in the Province of Ontario, and Montreal, in the Province of Quebec, via Ottawa.

The Ministers, therefore, on the advice of the Deputy Minister of Transport and the Deputy Postmaster General, recommend that a line of aircraft between Toronto, in the Province of Ontario, and Montreal, in the Province of Quebec, via Ottawa, be designated as a line of aircraft to be organized, maintained and operated by Trans-Canada Air Lines, subject to the provisions of the said contract dated the 1st of June, 1937, but with the proviso that this service will not receive payment for carriage of His Majesty's mail unless by subsequent arrangement between Trans-Canada Air Lines and the Postmaster General for Canada, and that the following schedule of services for the operation of the said line of aircraft be approved,—

Eastbound		Westbound	
8.00 a.m.	Lv. Toronto	Ar. 7.45 p.m.	
9.45 a.m.	Ar. Ottawa	Lv. 6.00 p.m.	
9.55 a.m.	Lv. Ottawa	Ar. 5.50 p.m.	
10.45 a.m.	Ar. Montreal	Lv. 5.00 p.m.	

(All times shown are Eastern Standard.)

The Committee concur in the foregoing recommendation and submit the same for approval.

H. W. LOTHROP,
Assistant Clerk of the Privy Council.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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No. 13

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Consideration of the question of the protection to be provided at the crossing of the Canadian Pacific Railway, Ste. Agathe Subdivision, Mileage 44.27, by Highway No. 11, Ste. Agathe des Monts, County of Terrebonne, Quebec, and the apportionment of cost thereof.

(File 27156.222)

JUDGMENT

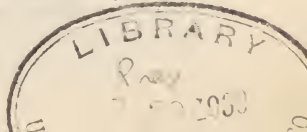
WARDROPE, ASSISTANT CHIEF COMMISSIONER:

This application was heard in Montreal on May 30, 1939, in the presence of Mr. Edgar Champoux, K.C., counsel for the Minister of Roads, Province of Quebec, and Mr. L. G. Prevost, K.C., counsel for the Canadian Pacific Railway Company. The plans filed with the application are for an overhead vehicular and pedestrian structure at Ste. Agathe Subdivision, Mileage 44.27, Ste. Agathe des Monts, in the province of Quebec.

In view of the evidence submitted at the hearing and correspondence subsequent thereto permitted by the Board, I am of the opinion that this whole project approaches very closely to being one merely of highway improvement. The old highway across the tracks is to be abandoned; the old sharp turns to be replaced by easier curves and a considerably wider road constructed purely for the benefit of vehicular traffic and improving highway No. 11, in the province of Quebec.

The plan brings the new contemplated crossing some five hundred feet southerly of the old one and very near to a bend in the railway just south again of the proposed crossing; consequently increasing the hazards to my mind. There is no doubt as to the substantial density of the highway traffic and it will undoubtedly increase as highway No. 11 is improved, as contemplated.

It follows, I think, that some form of protection will be necessary, but just what form is uncertain in my mind. Bell and wigwags and bell and wigwags with automatic gates even with dense vehicular traffic have proved most efficient, and, of course, their cost of installation and maintenance in most cases is negligible compared with grade separations. However, there is no doubt that a good grade separation would appear to give the greatest protection to both vehicular and train traffic. At the crossing proposed to be eliminated the Board's records show that there has only been one accident and that was caused by carelessness of a driver running into the side of a train.



Recommendation for a contribution of 70 per cent towards the overhead structure is asked of the Board by the Quebec Highways Department. The Board's Division Engineer, Mr. Kydd, in his report of October 5, 1938, recommends overhead structure be built, but, as I see it, this overhead is principally necessitated by the improvement of the highway. In other words, it is incidental to highway improvement. If this is the case, does it merit such a contribution as 70 per cent? I think not. If it were protection required at the crossing to be eliminated I am not satisfied that an overhead would be at all necessary. I feel bell and wigwags there would be sufficient; also, we must take into account the unemployment situation in the locality, as the primary purpose of the funds of the Special Vote is for the relief of unemployment. As far as unemployment in Ste. Agathe district is concerned, this feature was not stressed at the hearing or in the written submission of the municipality. I am inclined to feel that a recommendation of 40 per cent from Vote 585, Special Supplementary Estimates, Department of Transport, 1939-40, would be equitable (assuming a contribution is merited on the facts), and I would so recommend.

The situation with regard to the C.P.R. would appear to be as follows: the railway company is contemplating lowering its track at the existing crossing and providing for an extra track alongside. If this is done it is estimated it would cost the railway company to alter the highway approaches to make proper grade some \$834. The Department of Highways estimate it would cost \$8,568.20 on the present road and some \$12,000 if the present road were widened and paved prior to the lowering of the tracks. But these estimates were based on a lowering of 4 feet as opposed to the railway company's submission that at the existing crossing they would only lower them 2·3 feet. I think the figure of 2·3 may be accepted as correct. There is no doubt that if the overhead as planned and the lowering of the C.P.R. track could be carried out at the same time the railway company would benefit, and, of course, additional benefit would be derived by the company from the elimination of the crossing. Mr. Kydd recommends that the railway pay towards the cost of the work \$1,300 for the elimination of the crossing, and \$1,700 towards the cost of the grade revision, making a total of \$3,000. I think this is fair. The cost of changing the C.P.R. wires is estimated at \$200. I would suggest this be added to the cost of the whole work and apportioned accordingly. Consequently, I would apportion the costs as follows:—

Total cost as estimated..		\$66,900	
Cost of removing C.P.R. wires..		200	
			\$67,100
Special fund 40 per cent not exceeding.. . . .	\$26,840		
C.P.R.	3,000		29,840
Balance upon Department of Highways of.. . . .			\$37,260

Maintenance to be upon Department of Highways; and that in so far as construction is concerned, the work be carried out in accordance with the provisions of General Order of the Board No. 589.

I am of the opinion that order should issue on the above terms.

July 14, 1939.

Commissioner Stone concurred.

Consideration of the question of the protection to be provided at the crossing of the Canadian Pacific Railway, Ste. Agathe Subdivision Mileage 44.27, by Highway No. 11, Ste. Agathe des Monts, County of Terrebonne, Quebec, and the apportionment of cost thereof.

File No. 27156-222

GARCEAU, *Deputy Chief Commissioner:*

A level crossing being eliminated and unemployment relieved, I would grant a contribution of 40% from the Railway Grade Crossing Fund, not to exceed \$26,840, and I would recommend to the Governor-in-Council a grant of 30%, not to exceed \$20,130, from the Special Vote 585, and the C.P.R. to pay the amount mentioned in the majority Judgment.

July 26, 1939.

(Traduction)

Considération de la question de la protection à procurer à l'intersection de la voie du chemin de fer Pacifique-Canadien au mille 44.27, subdivision Ste-Agathe, et de la route n° 11, à Ste-Agathe-des-Monts, comté de Terrebonne, Québec, et de la question de la répartition du coût de ladite protection.

(Dossier n° 27156-222.)

JUGEMENT

WARDROPE, *Commissaire en chef adjoint:*

La présente requête fut entendue à Montréal, le 30 mai 1939, en présence de Me Edgar Champoux, C.R., procureur du ministre de la Voirie, de la province de Québec, et de Me L.-G. Prévost, C.R., procureur de la compagnie de chemin de fer Canadien du Pacifique. Les plans produits avec la requête montrent un viaduc pour véhicules et piétons situé au mille 44.27 de la subdivision Ste-Agathe, à Ste-Agathe-des-Monts, province de Québec.

Considérant la preuve soumise lors de l'audition et la correspondance subséquente permise par la Commission, je suis d'avis que tout le projet constitue à peu près une simple amélioration de voirie. Le vieux chemin qui traverse la voie doit être abandonné; les vieux détours prononcés doivent être remplacés par des courbes plus douces et un chemin beaucoup plus large doit être construit pour le bénéfice tout simplement de la circulation des véhicules et pour l'amélioration de la route n° 11 située dans la province de Québec.

Le plan indique l'endroit où le chemin de fer va être croisé à quelque 500 pieds au sud du vieux passage et très près d'une courbe de la voie ferrée immédiatement au sud du croisement projeté; les risques de danger étant en conséquence augmentés, à mon avis. Il n'existe aucun doute concernant la densité considérable de la circulation sur cette route, et cette circulation va sans doute s'accroître avec l'amélioration de la route n° 11, telle que projetée.

Il s'ensuit, je crois, que quelque mode de protection deviendra nécessaire. Je ne suis pas, toutefois, fixé quant à la nature de ce mode de protection. Les sonneries et pendules-avertisseurs avec ou sans barrières automatiques, même lorsque la circulation est considérable, ont démontré, qu'ils étaient des plus efficaces et c'est un fait d'ailleurs que le coût de leur installation et entretien dans la plupart des cas est négligeable en comparaison avec le coût de suppression des passages à niveau. Il n'y a pas de doute toutefois qu'un projet de

suppression du passage à niveau actuel procurerait, semble-t-il, une plus grande protection pour la circulation et des véhicules et des trains. Les archives de la Commission démontrent qu'il n'y a eu qu'un seul accident au passage à niveau que l'on projette de supprimer et que cet accident fut causé par la négligence d'un conducteur qui dirigea sa voiture contre le côté d'un train.

Le ministère de la Voirie de Québec demande à la Commission de recommander un octroi de 70% du coût de construction du viaduc en question. L'ingénieur de division de la Commission, M. Kydd, recommande dans son rapport du 5 octobre 1938, qu'un viaduc soit construit; mais selon moi, ce viaduc est principalement rendu nécessaire par l'amélioration de la route. En d'autres termes, la construction de ce viaduc est occasionnée par l'amélioration de la route. Si c'est le cas, ce projet mérite-t-il de recevoir une telle contribution de 70%? Je ne le crois pas. Si un mode de protection était demandé au passage qui doit être supprimé, je ne suis pas convaincu qu'un viaduc serait nécessaire. Je crois qu'une sonnerie et des pendules-avertisseurs à cet endroit seraient suffisants. Nous devons aussi prendre en considération la situation du chômage dans la localité, car le but principal des fonds du crédit spécial est de venir au secours du chômage. Autant que la situation du chômage dans le district de Ste-Agathe est concernée, on n'a pas insisté sur ce fait lors de l'audition ou dans les représentations par écrit de la municipalité. Je suis porté à croire qu'une recommandation pour un octroi de quarante pour cent à même le crédit 585, Estimés Supplémentaires Spéciaux, 1939-1940. Ministère des Transports, serait équitable (pourvue qu'un octroi soit justifiable sur les faits) et je ferais une recommandation en conséquence.

La situation pour ce qui concerne le chemin de fer Pacifique-Canadien semblerait être comme suit: la compagnie de chemin de fer a en vue l'abaissement de sa voie à l'endroit du passage actuel et la construction d'une voie supplémentaire parallèle. Si ces travaux sont effectués, l'on estime que la compagnie de chemin de fer encourra une dépense d'environ \$834 pour faire des changements aux approches sur la route, en vue d'obtenir le niveau voulu. Le ministère de la Voirie estime que des frais au montant de \$8,568.20 seraient encourus sur la route actuelle et que des frais d'environ \$12,000, le seraient si la route actuelle était élargie et pavée avant l'abaissement des voies. Mais ces estimations furent basées sur un abaissement de quatre pieds contrairement à la prétention de la compagnie de chemin de fer à l'effet qu'au passage actuel, l'abaissement des voies ne serait que de 2.3 pieds. Je crois que le chiffre de 2.3 peut être accepté comme étant correct. Il n'y a pas de doute que si le viaduc tel que projeté pouvait être construit en même temps que serait effectué l'abaissement de la voie du Pacifique-Canadien, la compagnie de chemin de fer en bénéficierait, et d'ailleurs la compagnie obtiendrait un avantage additionnel par suite de la suppression du passage. Monsieur Kydd recommande que le chemin de fer contribue pour la somme de \$1,300 en rapport avec la suppression du passage à niveau et pour la somme de \$1,700 en rapport avec les frais de révision du niveau, soit un total de \$3,000. Je suis d'avis que ceci est raisonnable. Le coût des altérations aux fils du Pacifique-Canadien est évalué à \$200. Je suggérerais que ce montant soit ajouté au coût de tout l'ouvrage et réparti en conséquence. Conséquemment, je répartirais le coût des travaux comme suit:

Coût total conformément à l'estimation	\$66,900.00
Coût de déplacement des fils du Pacifique-Canadien	200.00
	<hr/>
	\$67,100.00

Fonds spécial 40% n'excédant pas \$26,840.

Chemin de fer Pacifique-Canadien \$3,000	<u>\$29,840.00</u>
--	--------------------

Balance assumée par le ministère de la voirie, \$37,260.00.

L'entretien devra être à la charge du ministère de la Voirie; et quant à ce qui concerne la construction, les travaux devront être exécutés conformément aux dispositions de l'ordonnance générale de la Commission n° 589.

Je suis d'avis que l'on émette une ordonnance dans les termes ci-dessus.

Le 14 juillet 1939.

Le Commissaire Stone s'est relié au jugement ci-dessus.

Considération de la question de la protection à procurer à l'intersection de la voie du chemin de fer Pacifique-Canadien au mille 44.27, subdivision Ste-Agathe, et de la route n° 11, à Ste-Agathe-des-Monts comté de Terrebonne, Québec, et de la question de la répartition du coût de ladite protection.
Dossier n° 27156.222

GARCEAU, *Commissaire en chef suppléant*:

Etant donné qu'un passage à niveau est supprimé et que l'on vient au secours du chômage, j'accorderais un octroi de 40% à même la Caisse des passages à niveau, n'excédant pas la somme de \$26,840, et je recommanderais au gouverneur-en-conseil un octroi de 30%, ne devant pas excéder \$20,130, à même le crédit spécial 585, le chemin de fer Pacifique-Canadien devant contribuer pour le montant mentionné dans le jugement majoritaire.

Le 26 juillet 1939.

ORDER NO. 57875

In the matter of the application of the Department of Roads for the Province of Quebec, hereinafter called the "Applicant," under Section 257 of the Railway Act, for authority to construct an overhead bridge over the Canadian Pacific Railway at Ste. Agathe, Quebec, mileage 44.27 Ste. Agathe Subdivision, to eliminate the existing level crossing, as shown on general plan No. 71-6-S.P. 37-1, dated January, 1939, and plan No. P-71-6-10, dated December, 1938, on file with the Board under file No. 27156.222.

WEDNESDAY, the 23rd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Montreal, May 30, 1939, in the presence of Counsel for the Applicant and the Railway Company, and what was alleged—

It is ordered:

1. That the Applicant be, and it is hereby, authorized to construct a viaduct over the Ste. Agathe Subdivision of the Canadian Pacific Railway at Ste. Agathe, in the County of Terrebonne, Province of Quebec, as shown on the said plans on file with the Board under file No. 27156.222; detail plans of the proposed structure to be filed for the approval of an Engineer of the Board.

2. That the work in connection with the proposed structure be carried out in accordance with the provisions of the General Order of the Board No. 589, dated May 27, 1939.

3. That, upon completion of the work herein authorized, the existing level crossing of the Canadian Pacific Railway on Route No. 11, mileage 44.27 Ste. Agathe Subdivision, be closed within the limits of the railway right of way.

4. That, with the approval of the Governor in Council by Order in Council P.C. 2276, dated August 17, 1939, forty per cent of the cost of the said work, not exceeding, however, the sum of \$26,840, be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 585, Special Supplementary Estimates 1939-40.

5. That the Canadian Pacific Railway Company pay towards the cost of the work the sum of \$1,300 for the elimination of the said crossing and \$1,700 towards the cost of the grade revision, making a total of \$3,000.

6. That the remainder of the cost of the said work be borne and paid by the Applicant.

7. That as regards that portion of the construction work in question to be executed directly by the Canadian Pacific Railway Company, authority be given for entry into an agreement with the said railway company excepting the proposed payment from the operation of Section 5 of The Fair Wages and Hours of Labour Act, 1935; and that as regards that portion of the construction work to be executed by the contractors of the railway company, or by the Applicant or its contractors, such payment be subject—

(1) to the proviso that the Canadian Pacific Railway Company and the Applicant shall agree with His Majesty, represented by the Minister of Transport, in such form as the said Minister may approve, that all persons employed in the execution of the work herein referred to shall, while so employed during the continuance of the execution of the works, be paid fair wages and that the working hours of such persons shall not exceed eight hours per day nor forty-four hours per week while so employed, all in accordance with the provisions of The Fair Wages and Hours of Labour Act, 1935; and

(2) to the additional provisions that—

- (a) No casual labourers shall be employed in the execution of the said works other than residents of the district concerned, if available and competent;
- (b) No resident eligible for employment shall be discriminated against by reason of his religious views or political affiliations;
- (c) Political favouritism and political intimidation shall alike be avoided;
- (d) Only goods and materials of Canadian manufacture or production shall be used if available;

and that the Minister of Labour for Canada may designate a representative whose duty and responsibility it shall be to see that the above terms of agreement (as in this clause (2) set out) are carried out and that such representative may from time to time, as required, appoint local or district representatives to confer with the officers of the Canadian Pacific Railway Company, or of the Applicant, or with their respective contractors or their respective representatives performing or responsible for the work covered by this Order, with authority to enforce the said terms and/or to report to the said representative of the Minister of Labour any failure to comply with the said terms.

H. GUTHRIE,
Chief Commissioner.

Application for approval of an Agreed Charge between Rail Carriers and Oil Companies covering transportation of petroleum products in tank cars from refineries and marine terminals in Ontario (also Hull and Hull West, Que.) to points in the Province of Ontario (also Hull and Hull West, Que.).

File 40994.3

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was heard at a sitting of the Board held in the city of Ottawa on Tuesday, August 15, 1939, in the presence of counsel for the applicants and on behalf of the Good Rich Oil Company, Limited, who appeared in opposition to the application for approval of the agreed charge. The applicants for the agreed charge, who executed the preliminary agreement in respect thereof, included the following railway companies carrying on business in the territory affected, namely:—

- The Canadian National Railways
- The Canadian Pacific Railway Company
- The Essex Terminal Railway Company
- The Grand River Railway Company
- The Hull Electric Company
- The Lake Erie and Northern Railway Company
- The London and Port Stanley Railway Company
- The Michigan Central Railroad Company
(The New York Central Railroad, Lessee)
- The New York Central Railroad Company
- The Pere Marquette Railway Company
- The Thousand Islands Railway Company
- The Toronto, Hamilton and Buffalo Railway Company
- The Wabash Railway Company
(Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers)

and also the following oil companies, namely:—

- The British American Oil Company, Limited
- The Canadian Oil Company, Limited
- The Cities Service Oil Company, Limited
- Imperial Oil Company
- The McColl-Frontenac Oil Company, Limited
- The Shell Oil Company of Canada, Limited

Notice of the application was duly published by the applicants in the *Canada Gazette*, and copies of the agreement constituting the agreed charge and all terms and conditions in respect thereof were duly forwarded to the following oil companies who are not parties to the agreement, namely:—

- Anglo Petroleum Limited, Toronto, Ont.
- Crown Dominion Oil Company, Limited, Toronto, Ont.
- Good Rich Oil Company, Limited, Port Credit, Ont.
- Joy Oil Company, Limited, Toronto, Ont.
- Sun Oil Company, Limited, Toronto, Ont.
- Supertest Petroleum Corporation, Limited, London, Ont.
- Thayers Limited, London, Ont.

The only oil company represented at the hearing as opposed to the application was the Good Rich Oil Company, Limited, whose principal place of business is at Port Credit, in the province of Ontario.

The object sought by the applicants in establishing an agreed charge in respect of petroleum products in carloads, in tank cars only, cannot, the applicants allege, be attained by the publication of a special or competitive tariff by the

railways. The applicants contend that such a tariff would give no adequate assurance that the traffic would move by rail, and that a special or competitive tariff would permit other persons to obtain the benefit of the lower rate without any corresponding obligation to ship their products by rail.

An original copy of the agreement and all schedules attached thereto executed by the applicant railway companies and by six of the leading oil companies is upon the files of the Board. This agreement sets forth in detail full particulars in regard to the agreed charge. The agreed charge, if approved by the Board, will apply to refineries and marine terminals in Ontario, also to Hull and Hull West, in the province of Quebec, as set out therein, and will in due course become effective throughout this territory.

The Good Rich Oil Company, Limited, filed notice with the Board of its objection to the application upon the following grounds:—

1. That the proposed agreed charge would unjustly discriminate against the Good Rich Oil Company;
2. That the agreed charge would not have the effect of accomplishing its expressed purpose;
3. That the object of the applicants can be adequately secured by means of special or competitive tariffs;
4. That the agreed charge is not in the best interests of the parties thereto, and is in fact detrimental to the public interest and, if approved, would unduly and unfairly curtail the business of the Good Rich Company.

Upon the hearing of the application for approval of the agreed charge, counsel for the Good Rich Oil Company stated that the company owned or controlled a marine terminal at Amherstburg, in the province of Ontario, for the storage and treatment of petroleum products, and that its refinery at Port Credit, Ontario, now employs in the neighbourhood of 250 men in the manufacture and distribution of petroleum products. A statement of the business done by this company upon the railways was submitted and filed as Exhibit 1. From this statement it would appear that the company started business in August, 1937, and that it had paid to the railway companies during the year 1937, \$20,282.83. For the year 1938 these payments had risen to \$59,884.96, and from January 1 to June 30, 1939, they had risen to \$84,818.55, showing a substantial increase in the business of the company and in the payments made to railway companies in the shipment of its product. This company now produces about 30,000,000 gallons of gasoline per annum, and to a very large extent this gasoline is distributed through the use of trucks upon the highway.

The Good Rich Oil Company has as yet established few tank stations at the various railway points in the province of Ontario, but it is alleged that in the course of time it will be prepared to establish such tank stations when financial and other conditions appear to warrant it. The company also states that at the present time it has not sufficient marine terminals in the province of Ontario to enable it to carry on business in competition with older oil companies who have already established many marine terminals and tank stations throughout the territory involved in the proposal.

The Canadian Pacific and Canadian National Railway Companies submitted a statement of all carload petroleum products shipped over their lines by the Good Rich Oil Company during the period of one year from July 1, 1938, to June 30, 1939. This statement is Exhibit 3, and shows a total shipment by rail over these railways, in carloads, of 359 cars. These shipments were made up of 181 cars of gasoline and 137 cars of fuel oil, and the balance by various other petroleum products.

A statement, Exhibit 2, filed by the railway companies, shows the various freight rates applicable to all shipments from Port Credit to various points in the province of Ontario, under the special and competitive rates now in force; also under the 5th Class Rates; and under the agreed charge rates which will come into effect, if the agreed charge is approved by the Board.

After careful consideration of all that was submitted on behalf of the Good Rich Oil Company, I have come to the conclusion that the adoption of the agreed charge as submitted by the applicants will not in any way result in unjust discrimination against this company. The company has had it in its power to meet all the objections which it urged before the Board, in order to place it on an equality in every respect with the other oil companies who carry on business throughout the province of Ontario. I would find as a fact that the adoption of the agreed charge will not result in unjust discrimination to the Good Rich Company.

I find also that the object to be secured by the making of the agreement in respect of the agreed charge, having regard to all the circumstances, cannot adequately be secured by means of special or competitive tariffs of tolls under the Railway Act, or under the Transport Act, 1938.

I have also considered the other objections set out in the formal notice of objection filed by the Good Rich Oil Company with the Board and submitted in argument by counsel for the company, and I am unable to find any serious ground for objection to the proposed agreed charge by this company. In my opinion, the Board should approve the agreed charge in the terms submitted, and the same should be made effective as soon as possible under the provisions of the Transport Act, 1938.

August 21, 1939.

The Assistant-Chief Commissioner, the Deputy Chief Commissioner and Commissioners Stoneman and Stone concurred.

ORDER NO. 57859

In the matter of Application No. 3, under the provisions of Part V of the Transport Act, 1938, for approval of an agreement between,—

The Canadian National Railways, The Canadian Pacific Railway Company, The Essex Terminal Railway Company, The Grand River Railway Company, The Hull Electric Company, The Lake Erie and Northern Railway Company, The London and Port Stanley Railway Company, The Michigan Central Railroad Company (The New York Central Railroad, Lessee), The New York Central Railroad Company, Pere Marquette Railway Company, The Thousand Islands Railway Company, The Toronto, Hamilton and Buffalo Railway Company, Wabash Railway Company (Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers)

and

The British American Oil Company, Limited, Canadian Oil Company, Limited, Cities Service Oil Company, Limited, Imperial Oil Limited, McColl-Frontenac Oil Company, Limited, Shell Oil Company of Canada, Limited, regarding Agreed Charges on Petroleum products as therein specified, in carloads, in tank cars only, from refineries and marine terminals in Ontario (also Hull and Hull West, Quebec) to points in the Province of Ontario (also Hull and Hull West, Quebec), the said agreement being on file with the Board under file No. 40994-3.

MONDAY, the 21st day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon its appearing that the regulations prescribed by General Order of the Board No. 581, dated January 21, 1939, have been complied with;

And upon hearing objections made by the Good Rich Oil Company, Port Credit, Ontario, at sittings of the Board at Ottawa on August 15, 1939, in the presence of Counsel and representatives of the Good Rich Oil Company and the railway companies;

It is ordered: That the said agreement be, and it is hereby, approved for a period of one year from September 1, 1939.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57865

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 17th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1109, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the said company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1109 approved herein, are as follows:—

From	Cents per barrel	
	Tariff	Normal
Ellerhouse, N.S.	15	18
to		
Newport, N.S.		
Windsor, N.S.	15	18
to		
Hantsport, N.S.		
Avonport, N.S.	15½	18½
to		
Port Williams, N.S.		
Kentville, N.S.	16	19½
Coldbrook, N.S.		
to		
Berwick, N.S.	18	21½
Aylesford, N.S.		
to		
Kingston, N.S.	18½	22½
Wilmot, N.S.		
to		
Annapolis Royal, N.S.	20	24½
Clementsport, N.S.		
to		
Digby, N.S.	22	27
North Range, N.S.		
to		
Yarmouth, N.S.	25½	31
Brooklyn, N.S.		
to		
Mosherville, N.S.	15½	18½
Clarksville, N.S.		
to		
Kennetcook, N.S.	16	19½

From	Cents per barrel	
	Tariff	Normal
South Maitland, N.S.	18½	22½
to Lower Truro, N.S.		
Mill Village, N.S.	18	21½
to Kingsport, N.S.		
Billtown, N.S.	18	21½
to Grafton, N.S.		
Somerset, N.S.	18½	22½
to Weston, N.S.		

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57866

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.10

THURSDAY, the 17th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Supplement No. 12 to Tariff C.T.C. No. 3 for Bayview Siding, filed by the Maritime Coal, Railway, and Power Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 12 to Tariff C.T.C. No. 3 for Bayview Siding approved herein, is 10 cents per ton of 2,000 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57868

In the matter of the application of Mackenzie Air Service Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Goldfields, Saskatchewan, and Yellowknife, N.W.T.

File No. 42007.14.4

THURSDAY, the 17th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Goldfields, in the Province of Saskatchewan;
Yellowknife, in the Northwest Territories;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1452, dated June 15th, 1939, pursuant to Section 15(1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a weekly service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 43 be issued for the period of one year from August 15, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57869

In the matter of the application of Canadian Airways Limited, hereinafter called the "Licensee," for amendment to Licence No. 25, dated June 12, 1939, and of Order No. 57568, dated June 7, 1939, to include Maskwa, Bird Lake and Halfway Lake, Province of Manitoba, as additional points of call thereon.

File No. 42007.4.12

THURSDAY, the 17th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Licensee was granted Licence No. C.T.C. (A.T.) 25 for application to aircraft services between Winnipeg and Bissett, and intermediate points, in the Province of Manitoba;

And whereas the Licensee is desirous of calling at the following additional intermediate points:—

Maskwa, Province of Manitoba;
Bird Lake, Province of Manitoba;
Halfway Lake, Province of Manitoba;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 2141, dated August 2nd, 1939, pursuant to Section 15(1) (b) of The Transport Act, 1938;

And whereas the Licensee has established to the satisfaction of the Board its right to a licence under the provisions of Section 5 (2) of the said Act;

And whereas the Licensee has undertaken to provide a monthly service at the said points and places—

Therefore the Board orders:

1. That Order No. 57568, dated June 7, 1939, be, and it is hereby amended to include the foregoing points and places as intermediate points.
2. That such points and places shall be accorded a monthly service.
3. That Licence No. C.T.C. (A.T.) 25 be amended accordingly.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57861

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 18th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 750 of first revised page 43 to Tariff C.T.C. No. E.4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 750 of first revised page 43 to Tariff C.T.C. No. E. 4757, approved herein, are as follows:—

From	Cents per 100 pounds	From	Cents per 100 pounds
Arbuckle, N.B.	37	Morrill, N.B.	36
Argosy, N.B.	37	Morrison, N.B.	34½
Aroostook, N.B.	36	New River, N.B.	36
Barber Dam, N.B.	33	Oak, N.B.	34½
Bay Shore, N.B.	36	Otis, N.B.	36
Benton, N.B.	33	Pennfield, N.B.	37
Bonny River, N.B.	37	Plaster Rock, N.B.	34½
Chamcook, N.B.	34½	Rusagonis, N.B.	34½
Cottrell, N.B.	33	St. Andrews, N.B.	34½
Debec Jct., N.B.	34½	St. Stephen, N.B.	33
Dougherty, N.B.	33	Southampton, N.B.	36
Dumbarton, N.B.	33	South Bay, N.B.	36
Fairville, N.B.	36	South Devon, N.B.	34½
Fredericton, N.B.	34½	Spruce Lake, N.B.	36
Grand Bay, N.B.	34½	Stoneridge, N.B.	36
Grand Falls, N.B.	33	Tinker, N.B.	36
Green Road, N.B.	34½	Tobique Narrows, N.B.	36
Hayne, N.B.	36	Tracy, N.B.	34½
McAdam, N.B.	32	Upper Woodstock, N.B.	34½
McKenna, N.B.	34½	Vespra, N.B.	33
Magaguadavic, N.B.	33	Woodstock, N.B.	34½
Milltown, N.B.	34½		

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57863

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

FRIDAY, the 18th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published from Saint John, N.B., in item 230A of Supplement No. 21 to Tariff C.T.C. No. E. 4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 230A of Supplement No. 21 of Tariff C.T.C. No. E. 4878, from Saint John, N.B., approved herein, are as follows:—

To	Cents per 100 pounds
Montreal, Quebec.	16½
Quebec, Quebec.	18½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57878

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 21st day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 • HUGH WARDROPE, *Assistant Chief Commissioner.*
 G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of Subsection 3 of the said Section 3, namely:—

Supplement No. 55 to Tariff C.T.C. No. E. 1247
 Supplement No. 51 to Tariff C.T.C. No. E. 1258
 Supplement No. 15 to Tariff C.T.C. No. E. 1308
 Supplement No. 51 to Tariff C.T.C. No. E. 1689
 Supplement No. 62 to Tariff C.T.C. No. E. 1829
 Supplement No. 40 to Tariff C.T.C. No. E. 2047
 Supplement No. 22 to Tariff C.T.C. No. E. 2474

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57860

In the matter of the application of the railway companies for an amendment to Order No. 10356, dated April 25, 1910, by rescinding its provisions in so far as relates to rates on gasoline, kerosene, fuel oil, distillates, gas oil, lubricating oil, naphtha, naphtha solvents, refined oil (illuminating or burning), and transformer or transil oil, shipped in tank cars only, within a radius of 250 miles from origin point.

File No. 12203

TUESDAY, the 22nd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

Upon reading what has been filed in support of the application, and submissions of the Imperial Oil Limited; the British American Oil Company, Limited; Shell Oil Company of Canada, Limited; Canadian Oil Companies, Limited; McColl-Frontenac Oil Company, Limited; and Cities Service Oil Company, Limited, consenting to the amendment applied for during the life of Agreed Charge No. 3, approved by Order No. 37859, dated August 21, 1939—

It is ordered: That the said Order No. 10356, dated April 25, 1910, be, and it is hereby, amended by rescinding its provisions in so far as relates to rates on gasoline, kerosene, fuel oil, distillates, gas oil, lubricating oil, naphtha, naphtha solvents, refined oil (illuminating or burning), and transformer or transil oil, shipped in tank cars only, within a radius of 250 miles from the origin point.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57887

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 22nd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published to Meteghan, N.S., in item 57A of Supplement No. 23 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the said company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 57A of Supplement No. 23 to Tariff C.T.C. No. 986 to Meteghan, N.S., approved herein, is—

Billed	15.2
Normal	19

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57877

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 23rd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published to Cap de la Madeleine and Three Rivers, Quebec, in item 170H of Supplement No. 21 to Tariff C.T.C. No. E. 4645, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 170H of Supplement No. 21 to Tariff C.T.C. No. E. 4645, to Cap de la Madeleine and Three Rivers, Quebec, approved herein, are as follows:—

Item	To	Cents per 100 pounds
170H	Cap de la Madeleine, Que.	27 $\frac{1}{2}$
	Three Rivers, Que.	27 $\frac{1}{2}$

One and one-half cent per 100 pounds to be deducted account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57879

In the matter of the application of Canadian Airways Limited, hereinafter called the "Licensee," for amendment to Licence No. 26, dated June 10, 1939, and of Order No. 57566, dated June 7, 1939, to include Deer Lake, in the Province of Ontario, as an additional point of call thereon.

File No. 42007.4.13

WEDNESDAY, the 23rd day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.*

Whereas the Licensee was granted Licence No. C.T.C. (A.T.) 26 for application to aircraft services between Winnipeg and Gods Lake, and intermediate points, in the Provinces of Ontario and Manitoba;

And whereas the Licensee is desirous of calling at the following additional intermediate point:—

Deer Lake, in the Province of Ontario;
which point is specifically named by the Governor in Council under Order in Council P.C. 2186, dated August 11th, 1939, pursuant to Section 15(1)(b) of The Transport Act, 1938;

And whereas the Licensee has established to the satisfaction of the Board its right to a licence under the provisions of Section 5(2) of the said Act;

And whereas the Licensee has undertaken to provide a weekly service as and when traffic demands and requests that the said point be designated as a "flag stop"—

Therefore the Board orders:

1. That Order No. 57566, dated June 7, 1939, be, and it is hereby, amended to include Deer Lake, in the Province of Ontario, as an intermediate point.
2. That such point shall be accorded a weekly service as and when traffic demands and, until further Order of the Board, may be designated as a flag stop.
3. That Licence No. C.T.C. (A.T.) 26 be amended accordingly.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57890

In the matter of the application of the Express Traffic Association of Canada, hereinafter called the "Applicant," for permission to amend its Tariff C.T.C. No. (E.T.) 1048 on less than statutory notice to correct a typographical error.

File No. 27612.204.

FRIDDAY, the 25th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas through typographical error in Supplement 5, effective September 2, 1939, to the Applicant's Tariff C.T.C. No. (E.T.) 1048, a rate of 1195 cents per hundred pounds is published from Block 4926 to Block 6433, instead of 1595 cents per hundred pounds, and in order that the proper and intended rate may be applied the Applicant now desires to make correction on less than statutory notice—

It is therefore ordered: That the Applicant be, and it is hereby, granted leave to file Supplement 6 to Tariff C.T.C. No. (E.T.) 1048, effective September 2, 1939, to correct the said error.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57891

In the matter of the Order of the Board No. 57634, dated June 22, 1939, approving Agreed Charge between the Canadian National Railways, the Canadian Pacific Railway Company, the Canadian Pacific Express Company, and the Manitoba Co-operative Poultry Marketing Association, Limited, covering the transportation of eggs, less than carloads, from Manitoba and Saskatchewan points to Winnipeg.

File No. 40994.2.

FRIDDAY, the 25th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas N. Unickow, of Oakburn, Manitoba, and M. Kawa, of Elphinstone, Manitoba, have made representations to the Board that their businesses will be

unjustly discriminated against unless a similar charge be fixed for the transport of their eggs to Winnipeg, and have expressed their willingness to forward 100 per cent of their egg shipments to Winnipeg by railway, at the same charge as fixed for the Manitoba Co-operative Poultry Marketing Association, Limited, and otherwise meet the provisions of the existing agreed charge;

And whereas the railway company, as defined in Agreed Charge No. 2, has stated it has no objection to the Board fixing the charge applied for—

It is ordered:

1. That the railway company, as defined in Agreed Charge No. 2, shall establish a charge covering shipments of eggs made to Winnipeg by N. Unickow, of Oakburn, Manitoba, and M. Kawa, of Elphinstone, Manitoba, to the extent of not less than 100 per cent of their shipments to that point.

2. That the charge shall be that published in Agreed Charge Tariff C.T.C. (A.C.) No. 2, and subject to the other conditions attaching to the said Agreed Charge No. 2.

3. That the same be made effective forthwith by supplementary schedule to Agreed Charge Tariff C.T.C. (A.C.) No. 2, and to expire upon the same date as Agreed Charge No. 2.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57903

In the matter of the application of the Canadian Pacific Railway Company, under Section 276 of the Railway Act, for authority to open for the carriage of traffic that portion of its line of railway, as revised, from Station 0·00 (Mileage 2·90) to Station 97·02 (Mileage 4·70) in the Town of Preston, in the Province of Ontario.

File No. 40477.

SATURDAY, the 26th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Chief Engineer of the Board, concurred in by its Chief Engineer, and the filing of the necessary affidavit—

It is ordered: That the Canadian Pacific Railway Company be, and it is hereby, authorized to open for the carriage of traffic that portion of its line of railway, as revised, from Station 0·00 (Mileage 2·90) to Station 97·02 (Mileage 4·70) in the Town of Preston, in the Province of Ontario.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57906

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2.

MONDAY, the 28th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 45 to Tariff C.T.C. No. E. 1504
Supplement No. 50 to Tariff C.T.C. No. E. 2444
Supplement No. 23 to Tariff C.T.C. No. E. 2474
Supplement No. 4 to Tariff C.T.C. No. E. 2924
No. E. 3088

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57907

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14.

MONDAY, the 28th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 786, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 786, approved herein, are as follows:—

Cents per 100 pounds	
Billed	Normal
4	5

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57908

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13.

TUESDAY, the 29th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 1112, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1112, approved herein, is 12 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57911

In the matter of the application of the Northwest Steamships Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, within the proclaimed area.

File No. 42076.2.

TUESDAY, the 29th day of August, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas by Order of the Board No. 57797, dated August 3, 1939, the under-mentioned vessel, namely:—

Name	Official Registry	Gross Tonnage
Rahane	Number 148089	2222

was added to the Applicant's Licence No. C.T.C. (W.T.) 1, dated May 15, 1939;
And whereas the name of the said vessel has been changed to *A. A. Hudson*—

Therefore the Board orders: That Licence No. C.T.C. (W.T.) 1 be amended forthwith by changing the name of the vessel *Rahane* to *A. A. Hudson*.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57915

In the matter of the application of Mackenzie Air Service Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Edmonton, Alberta, and Coppermine, Northwest Territories, and intermediate points.

File No. 42007.14.1.

WEDNESDAY, the 30th day of August, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Edmonton, Lac la Biche, McMurray, Embarras, Chipewyan, and Fitzgerald, in the Province of Alberta; Fort Smith, Resolution, Taltson River, Yellowknife, Gordon Lake, Rae, Port Radium, and Coppermine, in the Northwest Territories;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 1229, dated May 27, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly, between: Edmonton, McMurray, Embarras, Chipewyan, Fitzgerald, Fort Smith, Resolution, Yellowknife, Gordon Lake, Rae, and Port Radium;

Four trips per year to Coppermine;

Flag stops at Lac la Biche and Taltson River as required in the operation of the schedule stated herein;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 44 be issued for the period of one year from August 30, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57923

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14.

FRIDAY, the 1st day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 785, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act: the said Company's proportions to all points to be reported at five cents per 100 pounds.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 785, approved herein, is as follows:—

To	Cents per 100 pounds
Montreal, Quebec	18½

The Temiscouata Railway Company's proportion of normal rates to all points to be reported at 6½ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57928

In the matter of the Order of the Board No. 57455, dated May 17, 1939, authorizing the issue of Licence No. C.T.C. (W.T.) 11, dated May 23, 1939, to the Foote Transit Company, Limited, for a period of one year from January 15, 1939.

File No. 42076.7.

FRIDAY, the 1st day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the said Foote Transit Company, Limited, has applied for cancellation of the said Licence No. C.T.C. (W.T.) 11, authorizing it to transport goods by the undermentioned ship, namely—

Vessel Name	Official Registry No.	Gross Tonnage
<i>F. V. Massey</i>	160720	1,895

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 11, dated May 23, 1939, and Order No. 57455, dated May 17, 1939, be, and they are hereby, cancelled.

H. GUTHRIE,
Chief Commissioner.

GENERAL ORDER NO. 591

In the matter of the consideration of the question of proposed regulations with regard to recommended practice for the prevention of electric sparks that may cause fire during the transfer of inflammable liquid between units of equipment operated on rails or between equipment operated on rails and wayside piping, pumps, tanks, or other structures.

File No. 1717.73.1.

SATURDAY, the 2nd Day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Chief Engineer of the Board—

It is ordered that the following regulations with regard to recommended practice for the prevention of electric sparks that may cause fire during the transfer of inflammable liquid between units of equipment operated on rails, or between equipment operated on rails and wayside piping, pumps, tanks, or other structures, be, and they are hereby, authorized for the observance of railway companies subject to the jurisdiction of the Board, namely:—

(For the purpose of these rules, an inflammable liquid is one so defined by the Orders of the Board of Transport Commissioners.)

GENERAL

The connection through which the liquid is carried may be either metallic or non-metallic. If the connection is not permanent, the terminal connections shall be made from a non-ferrous metal softer than iron.

MINIMUM REQUIREMENT

1. Where tracks are not electrified.

A permanent electrical connection with a stranded cable having a mechanical strength not less than that of No. 0 (AWG) copper cable and conductivity not less than that of No. 4 (AWG) copper should be made between the rails on which the rail equipment stands and the other rail equipment or the wayside facilities involved in the transfer operation. This connection may be accomplished in one of two ways:—

- (a) The rails may be bonded by means of stranded rail bonds for the whole length of the transfer section, connecting together each end of the sections of bonded rail and then connecting this whole rail assembly to the other rail equipment assembly or to the wayside facilities. The connections between sections of bonded rails and between rail assemblies and other facilities shall be by means of a suitable cable as described above.
- (b) A similar connection may be made between each individual rail upon which the rail equipment stands and the other similar rail equipment assembly or wayside facility involved.

2. When considered necessary by the Railway Company, the rails of the track on which rail equipment stands during the transfer operations should be electrically separated from all other rails by the installation of insulating rail joints of an approved type. Further, the insulated track section and the wayside structure or other insulated track section should be adequately grounded.

3. Where tracks are electrified.

In addition to the requirements under clauses 1 and 2, an adequate return conductor, independent of the rails, should be installed from the rails of the insulated track section to the rails of the main track through a return switch which, when closed, short circuits the insulating joints. This return switch should be inter-locked with a two-way switch controlling the supply of propulsion power to the contact conductor of the insulated track section in such a way that the contact conductor is normally dead and grounded and the return switch normally open. The ground for the contact conductor should be metallically connected to the ground for the rails of the insulated track section.

ADDITIONAL REQUIREMENTS

Other measures may be used as may be necessary where extreme conditions exist, such as electrically inter-connecting a paralleling pipe system or other metallic structures and grounding them.

Where tracks which are electrified are supplied from an electric system which might introduce values of short circuit currents at the transfer tracks that would set up differences of potential of a hazardous magnitude, it is recommended that special studies be made by qualified persons and such additional or substitute measures taken as are necessary to provide adequate protection.

NOTE (a).—During transfer operations where rail equipment is on an insulated section of track, caution must be exercised against the bridging of the insulated joints by movement of either rail equipment or any other agency.

NOTE (b).—Where rail equipment is insulated from the rails by rubber-tired wheels, body insulation, rusty or dirty rails, or other causes, a flexible electrical conductor shall be used of not less than No. 6 copper (AWG) conductivity and strength which shall be permanently grounded—the free end being provided with a clamp which shall be made fast to a bright spot on the tank car before the flow of liquid is started and remain there until the flow has ceased.

H. GUTHRIE,
Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, JULY, 1939

Railway accidents.. . . .	153 with 27 killed and	131 injured
Railway accidents at highway crossings.. . . .	18 with 5 killed and	23 injured
	Killed	Injured
Passengers.. . . .	—	41
Employees.. . . .	6	67
Others.. . . .	26	46
Total.. . . .	32	154

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents	K.	I.	PRINCE EDWARD ISLAND
1	1	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, N.S. 73-565.

NOVA SCOTIA

1	1	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, N.S. 61-047.
1	-	2	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, N.S. C-15-453.

NEW BRUNSWICK

1	-	1	Automobile—Driver of automobile disregarded bell and wigwag signals; drove on to crossing in front of approaching train and was struck. Licence, N.B. 18-131.
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QUEBEC

1	-	1	Automobile—Driver of automobile stopped on track on account of glare of opposing automobile headlight, and was struck by train. Licence, Que. 128-600.
1	-	1	Automobile—Automobile ran into side of train. Licence, Que. 137-073.
1	-	1	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Que. 5048.
1	-	1	Horse-drawn Vehicle—Horse became frightened, ran into side of train.

ONTARIO

1	-	2	Automobile—Automobile struck track motor car. Licence not given.
1	1	-	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 27-C-79.
1	-	2	Automobile—Automobile ran into side of train. Licence, Ont. 968-L-9.
1	-	4	Automobile—Automobile ran into side of rail motor car. Licence, Mich. S-15845.
1	-	2	Automobile—Automobile ran into side of train. Licence, Ont. 7-B-938.
1	-	2	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 48954-C.
1	-	1	Automobile—Automobile struck track motor car. Licence, Ont. 396-D-3.
1	1	-	Auto Truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 49771-C.
1	1	-	Horse-drawn Vehicle—Horse-drawn vehicle struck by train.

BRITISH COLUMBIA

1	-	1	Automobile—Automobile ran into side of train. Licence, B.C. 2-138.
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Of the 18 accidents at highway crossings, 15 occurred at unprotected crossings and 3 occurred at protected crossings.

Fifteen of the accidents occurred after sunrise, and 3 occurred after sunset.

August 30, 1939.

SUMMARY OF ORDERS ISSUED BY THE BOARD

57791. July 31—Approving under Maritime Freight Rates Act tariffs of tolls filed by the Canadian National Railways under Section 3.
57792. Aug. 2—Authorizing the Canadian National Railways to operate over bridge across the Nith River, mileage 75.4, Brampton Subdivision.
57793. Aug. 2—Approving Canadian National Railways less than standard clearance over siding serving B. F. Goodrich Rubber Company, Kitchener, Ontario.
57794. Aug. 2—Authorizing the Canadian National Railways to operate across bridge over Speed River on Canadian Gypsum Company's siding, Guelph, Ontario.
57795. Aug. 3—Approving resolution of Mackenzie Air Service, Ltd., authorizing certain officials to prepare and issue tariffs of tolls.

57796. Aug. 2—Authorizing the Dept. of Highways for Saskatchewan to construct a public crossing over the C.P.R.'s right of way on line of Provincial Highway No. 2, in S.W. $\frac{1}{4}$ Sec. 9-3-2 W3M.
57797. Aug. 3—Adding *ss. Rahane* to list of vessels operated by Northwest Steamships Ltd.
57798. Aug. 3—Deleting *ss. Rahane* from list of vessels of Sarnia Steamships Ltd.
57799. Aug. 3—Approving location of installation of unloading rack, pipe lines, etc., of Manitoba Co-Operative Wholesale, Ltd., adjacent to Canadian National Rlys. at Letellier, Man.
57800. Aug. 3—Approving location of installation of additional storage tank, etc., of North Star Oil Co. Ltd. adjacent to C.P.R. at Arnaud, Man.
57801. Aug. 3—Declaring C.P.R. crossing east of Newbury station, mileage 36-31, Windsor Subdivision, protected to Board's satisfaction.
57802. Aug. 3—Declaring C.P.R. crossing east of Kenora station, Ontario, mileage 144-52, Ignace Subdivision, protected to Board's satisfaction.
57803. Aug. 3—Authorizing the Dept. of Highways of Ontario to construct overhead crossing over C.P.R., Lot 14, Concession 4, Township Hagar.
57804. Aug. 3—Authorizing the Dept. of Highways of Nova Scotia to construct diversion Lake Shore Road between stations 30 plus 16 and 49 plus 94, including construction of overhead bridge over C.N.R. and diversion of Lamont Road.
57805. Aug. 3—Approving under Maritime Freight Rates Act tariffs of tolls filed by Dominion Atlantic Ry. under Section 9.
57806. Aug. 3—Relieving the New York Central Railroad Co. (M.C.R.) from maintaining cattle guards at several highway crossings in Township Canboro, Ontario.
57807. Aug. 3—Authorizing the Department of Highway for Ontario to reconstruct subway under the C.N.R. on Highway No. 2, Lot 15, Range 1, Twp. Ekfrid, Ont.
57808. Aug. 3—Authorizing the Municipal Council of the Parish of St. Leonard, Que., to construct diversion along the south side of C.N.R. between crossing at mileages 43-35 and 43-68, Bastican Subdivision, near Allen's Mill.
57809. Aug. 3—Approving under Maritime Freight Rates Act tariffs of tolls filed by the Dominion Atlantic Railway under Section 9.
57810. Aug. 5—Approving location of additional storage tank and pipe lines of North Star Oil Co. Ltd., near C.N.R. at Prince Albert, Sask.
57811. Aug. 5—Approving location of additional storage tank of North Star Oil Co. Ltd. near C.N.R. at Rosetown, Sask.
57812. Aug. 5—Directing Dominion Atlantic Ry. to install bell and wigwag at crossing of Trunk Road by D.A.R., mileage 19-31, Kentville Subdivision, Auburn, N.S.
57813. Aug. 5—Approving under Maritime Freight Rates Act tariffs of tolls filed by the Canadian National Railways under Section 3.
57814. Aug. 8—Authorizing Dept. of Public Works of Alberta to construct crossing over C.P.R. at mileage 30-7, Crowsnest Subdivision, Macleod, Alta.
57815. Aug. 5—Authorizing the issuing of licence to Wings Limited for transportation between Winnipeg and Lac du Bonnet and Gods Lake, Manitoba.
57816. Aug. 3—Authorizing the New York Central Railroad to eliminate from its passenger service between Ottawa, Ont., and the International Boundary to Helena, N.Y., trains Nos. 60 and 63.
57817. Aug. 9—Authorizing the T.H. & B.Ry. and the Corporation of the City of Hamilton to construct a new highway bridge and approaches carrying Dundurn St., Hamilton, over the tracks of the railway company at the intersection of Dundurn Street south.
57818. July 28—Approving and authorizing less than standard clearances of N.Y.C.Ry. Co. (M.C.R.) at sidings to be constructed to serve H. J. Heinz Co., Leamington, Ont.
57819. Aug. 9—Authorizing the Canadian National Railways to operate over subway constructed at D'Argenson Street, Montreal, Que.
57820. Aug. 9—Apportioning cost of maintenance of crossing of Main Street, Village of Mundare, Alta.
57821. Aug. 9—Declaring highway crossing by C.N.R. east of Cooks Brook Station, N.B., mileage 118-79, Springhill Subdivision, protected to the Board's satisfaction.
57822. Aug. 9—Authorizing the C.P.R. to construct and operate a spur to serve the Canadian Sugar Factories, Ltd., mileage 77-82, Taber Subdivision, Alta.
57823. Aug. 9—Granting leave to the T.H. & B.Ry. Co. to remove its agent at Port Maitland Station, Ontario.
57824. Aug. 10—Declaring C.N.R. crossing mileage 44-55, Mulgrave Subdivision, N.S., protected to the Board's satisfaction.
57825. Aug. 9—Declaring highway crossing by C.N.R. east of St. Isidore Station, Que., mileage 84-54, Armagh Subdivision, protected to Board's satisfaction.
57826. Aug. 9—Declaring highway crossing by Canadian National Railways north of Rimouski Station, Que., mileage 18-17, protected to the Board's satisfaction.

- 57827. Aug. 10—Authorizing the Canadian Pacific Railway to remove bell and wigwag at mileage 59-1, Leduc Subdivision, Que., and install it at mileage 9-2.
- 57828. Aug. 10—Declaring C.N.R. crossing of Water Street (Brant House Crossing), Burlington, Ont., protected to Board's satisfaction.
- 57829. Aug. 10—Requiring the Canadian National Railways to appoint a Caretaker at Carragana Station, Sask.
- 57830. Aug. 10—Granting leave to Canadian Pacific Railway to remove its agent at Fort Steele Station, B.C.
- 57831. Aug. 10—Authorizing the Canadian Pacific Railway to construct and operate extension to branch serving the Monarch Coal Mining Co. Ltd., Kneehill, Alta.
- 57832. Aug. 11—Authorizing the issuing of a licence to Quebec Airways Limited for transportation by aircraft between Rimouski and Baie Comeau, Que., and intermediate points.
- 57833. Aug. 10—Authorizing the Rural Municipality of Wallace, Man., to construct a road diversion on the north side of C.N.R. tracks in S. $\frac{1}{2}$ of Sec. 3, Tp. 10, R. 29 W.
- 57834. Aug. 10—Approving less than standard clearances (temporary) at overhead bridge at mileage 69-65 Cartier Subd'n, Ont. (C.P.R.).
- 57835. Aug. 11—Authorizing Ont. Dept. Highways to construct Queen Elizabeth Way over C.N.R. Wabash Ry. north of Lundy's Lane, Tp. Stamford, Ont.
- 57836. Aug. 12—Amending Order 57705 by striking out last two and a half lines after the word "lighted" in 6th line of 2nd paragraph—*re* removal of C.P.R. agent at Snellgrove Station, Ont.
- 57837. Aug. 12—Declaring C.N.Rys. crossing, second south of Charlesbourg West Station, Que., protected to Board's satisfaction.
- 57838. Aug. 14—Approving location of storage tanks, etc., of Irving Oil Co., Ltd., at Tantramar River, N.B. (C.N.Rys.).
- 57839. Aug. 11—Authorizing C.N.Rys. to construct spur to serve Acme Paper Box Co., Ltd., along Thackeray Street, Toronto, Ont.
- 57840. Aug. 11—Authorizing R.M. of Bjorkdale, Sask., to construct highway crossing over C.N.Rys. between Secs. 15 and 16-45-12 W2M.
- 57841. Aug. 11—Approving under Maritime Freight Rates Act toll published in tariff filed by C.N.Rys. under Sec. 3.
- 57842. Aug. 11—Approving under Maritime Freight Rates Act tolls published in tariff filed by the Dominion Atlantic Ry. under Sec. 9.
- 57843. Aug. 11—Authorizing issuance of licence to Ginger Coote Airways Ltd. for transportation between Vancouver, Tofino and Zeballos, B.C.
- 57844. Aug. 10—Amending Order 57489 by striking out paragraph one and directing that City of St. Hyacinthe, Que., shall erect fences at Laframboise and Bourdages Streets. (C.N.Rys.)
- 57845. Aug. 14—Authorizing C.P.R. to remove caretaker at Erindale Station, Ont.
- 57846. Aug. 14—Approving installation of additional storage tanks, etc., by North Star Oil Limited at Brandon, Man. (C.P.R.).
- 57847. Aug. 14—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Sec. 3.
- 57848. Aug. 14—Approving temporary clearances at overhead bridge at mileage 1-4, Mimico Cut-Off, Ont. (C.P.R.).
- 57849. Aug. 15—Authorizing C.N.Rys. to operate over bridge at 18th Street, New Toronto, Ont.
- 57850. Aug. 15—Approving revision of grades at crossing at mileage 52-35, Montreal & Ottawa Subd'n, C.P.R.
- 57851. Aug. 14—Authorizing issuance of licence to Northern Airways Ltd. for air transportation between Atlin, B.C., and Carcross, Y.T.
- 57852. Aug. 14—Authorizing issuance of licence to Northern Airways Ltd. for air transportation between Atlin and Telegraph Creek, B.C.
- 57853. Aug. 15—Approving location and details of C.N.Rys. station at Chandler, Que.
- 57854. Aug. 17—Authorizing C.N.Rys. to reconstruct crossing of John Brown's Creek, mileage 19-3 Bulkley Subd'n, B.C.
- 57855. Aug. 19—Approving certain revised plans of subway at mileage 52-06, Chatham Subd'n, C.N.Rys., near Northwood, Ont.
- 57856. Aug. 17—Authorizing P.E.I. Dept. Public Works to construct highway crossing over C.N.Rys. at Southport, P.E.I.
- 57857. Aug. 17—Deleting from list of vessels operated by Calvin Shipping Co., Ltd., the *s.s. Rahane*.
- 57858. Aug. 14—Amending licence of Canadian Airways Ltd. to include Bitumount, Alta., and Rocher River and Taltson River, N.W.T., as additional points of call.
- 57859. Aug. 21—Approving agreement between certain railways and oil companies *re* agreed charge on petroleum products.

- 57860. Aug. 22—Amending Order 10356 by rescinding its provisions concerning rates on gasoline, kerosene, etc., shipped in tank cars only within a radius of 250 miles from origin point.
- 57861. Aug. 18—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Sec. 9.
- 57862. Aug. 18—Authorizing Ont. Dept. Highways to extend crossing of Doon Road, Kitchener, Ont., over Grand River Ry.
- 57863. Aug. 18—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Sec. 9.
- 57864. Aug. 19—Authorizing C.P.R. to remove shelter at Millgrove, Ont.
- 57865. Aug. 17—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Sec. 9.
- 57866. Aug. 17—Approving under Maritime Freight Rates Act toll published in tariff filed by Maritime Coal, Ry. & Power Co., under Sec. 9.
- 57867. Aug. 17—Approving plan showing changes in interlocking plant at crossing of C.N.Rys. and Pere Marquette R.R. at Chatham Jct., Ont.
- 57868. Aug. 17—Authorizing issuance of licence to Mackenzie Air Service Ltd. for air transportation between Goldfields, Sask., and Yellowknife, N.W.T.
- 57869. Aug. 17—Amending licence of Canadian Airways Ltd. to include Maskwa, Bird Lake and Halfway Lake, Man., as additional ports of call.
- 57870. Aug. 17—Authorizing Oshawa Railway Co. to construct private siding for Canadian Knox Glass Co., Ltd., across Bruce Street, Oshawa, Ont.
- 57871. Aug. 17—Authorizing C.N.Rys. to reconstruct bridge at mileage 125.8, Gladstone Subd'n, Man.
- 57872. Aug. 19—Declaring C.N.Rys. crossing, first east of New Sarum Shelter, Ont., protected to Board's satisfaction.
- 57873. Aug. 23—Approving installation of unloading and storage tank of Sunlight Oil Co., at Woodroffe, Ont. (C.P.R.).
- 57874. Aug. 23—Approving installation of storage tank, etc., of North Star Oil Co., Ltd., at Croll, Man. (C.P.R.)
- 57875. Aug. 23—Authorizing Quebec Dept. of Roads to construct viaduct over Ste. Agathe Subd'n of C.P.R. at Ste. Agathe, Que.
- 57876. Sept. 7—Approving Bell Telephone Tariff C.T.C. No. 6791, 2nd revised Sheet 1, covering exchange rates at Peterboro, Ont.
- 57877. Aug. 23—Approving under Maritime Freight Rates Act tolls published in tariffs or supplements filed by C.P.R. under Sec. 9.
- 57878. Aug. 21—Approving under Maritime Freight Rates tolls published in tariffs and supplements filed by C.N.Rys. under Sec. 3.
- 57879. Aug. 23—Amending licence of Canadian Airways Ltd. to include Deer Lake, Ont., as an additional port of call.
- 57880. Aug. 23—Declaring C.N.Rys. crossing just east of St. Hyacinthe Station, Que., satisfactorily protected—speed restriction of 10 miles per hour to be maintained.
- 57881. Aug. 23—Declaring Michigan Central R.R. crossing, first east of Melbourne, Ont., satisfactorily protected—speed restriction of 4 miles per hour to be maintained.
- 57882. Aug. 23—Declaring C.N.Rys. crossing east of Riviere du Loup, Que., protected to Board's satisfaction.
- 57883. Aug. 23—Authorizing C.P.R. to remove Standard No. 2 Shelter at Mac, Ont.
- 57884. Sept. 7—Directing C.P.R. to provide additional building at Gronlid Station, Ont.
- 57885. Aug. 22—Approving Bell Telephone Co's tariff C.T.C. No. 6465, 2nd Revised Sheet 1, re exchange rates at Arnprior, Ont.
- 57886. Aug. 24—Authorizing C.P.R. to construct spur to serve Canadian Sugar Factories, Ltd., at mileage 87.10, Taber Subd'n, Alta.
- 57887. Aug. 22—Approving under Maritime Freight Rates Act toll published in tariff filed by Dominion Atlantic Ry. under Sec. 9.
- 57888. Aug. 22—Declaring C.P.R. crossing between Cons. 5 and 6, Tp. Amaranth, Ont., protected to Board's satisfaction.
- 57889. Aug. 24—Refusing application Quebec Dept. of Roads to eliminate level crossing of C.P.R. on Cordon Road, Parish of St. Jerome, Co. Terrebonne, Que.
- 57890. Aug. 25—Granting leave to Express Traffic Ass'n of Canada to file Supp. 6 to Tariff C.T.C. (E.T.) 1048 to correct error.
- 57891. Aug. 25—Directing railways to establish same rates on eggs shipped to Winnipeg by N. Unickow, Oakburn, Man., and M. Kawa, Elphinstone, Man., as charged under Agree Charge No. 2 on eggs from Manitoba and Saskatchewan to Winnipeg.
- 57892. Aug. 25—Directing that trains shall not exceed a speed of ten miles an hour over Sanche Street Crossing, Ste. Therese, Que., C.P.R.
- 57893. Aug. 22—Directing C.P.R. to install double bells and wigwags at crossing of Joliette-Lachute Road, 2½ miles from St. Jerome, Que.

57894. Aug. 25—Declaring C.P.R. crossing, first west of Verner, Ont., protected to Board's satisfaction.
57895. Aug. 25—Approving installation of plant for storage of inflammable liquids of Landis Co-Operative Ass'n Ltd., at Landis, Sask., C.N.Rys.
57896. Aug. 25—Approving installation of additional pipe lines by Imperial Oil Limited at Kingston, Ont. (C.P.R.).
57897. Aug. 25—Approving installation of pipe lines of Imperial Oil Ltd. under C.P.R. at Goderich, Ont.
57898. Aug. 26—Approving Supp. 5 to service station contract between Bell Telephone Co. and Beeton Telephone Co., Ltd.
57899. Aug. 26—Approving traffic agreement between Bell Telephone Co., and Peoples Telegraph and Telephone Co., Ltd.
57900. Aug. 26—Approving Appendix "A" to traffic agreement between Bell Telephone Co. and La Compagnie de Telephone de Portneuf et Champlain.
57901. Aug. 26—Approving traffic agreement between Bell Telephone Co. and Adrien Phaneuf (Proprietor of Phaneuf Telephone System).
57902. Aug. 26—Approving traffic agreement between Bell Telephone Co. and La Compagnie de Telephone de Disraeli.
57903. Aug. 26—Authorizing C.P.R. to open for traffic that portion of its line from mileage 2.90 to 4.70 in Town of Preston, Ont.
57904. Aug. 28—Approving installation of storage tanks, etc., of Imperial Oil Ltd. at Owen Sound, Ont. (C.P.R.).
57905. Aug. 29—Amending Order 57844 *re* subway under Ste. Anne Street, etc., at St. Hyacinthe, Que., by providing that gates remain closed from 5 p.m. to 8 a.m. and from 12 noon to 1 p.m., and opened to vehicular traffic only from 8 a.m. to 12 noon.
57906. Aug. 28—Approving under Maritime Freight Rates Act tolls published in supplements to tariffs filed by C.N.Rys, under Sec. 3.
57907. Aug. 28—Approving under Maritime Freight Rates Act tolls published in tariff filed by Temiscouata Ry, under Sec. 9.
57908. Aug. 29—Approving under Maritime Freight Rates Act toll published in tariff filed by Dominion Atlantic Ry, under Sec. 9.
57909. Aug. 29—Approving Supp. 1 to agreement between Bell Telephone Co., and Dept. of Lands and Forests, Ontario.
57910. Aug. 29—Requiring all movements of Michigan Central R.R. and C.N.Rys. over crossing of King Street, Hagersville, Ont., flagged by one of train crew.
57911. Aug. 29—Amending Licence of Northwest Steamships Limited by changing name of vessel *Rahane* to *A. A. Hudson*.
57912. Aug. 29—Approving installation of storage tanks of Shell Oil Co. of Canada, Ltd., at Belleville, Ont. (C.N.Rys.).
57913. Aug. 29—Approving installation of storage tanks, etc., of North Star Oil Co., Ltd., at Boissevain, Man. (C.P.R.).
57914. Aug. 29—Approving installation of storage tank, etc., of Champlain Oil Products, Ltd., at Noranda, Que. (C.N.Rys.).
57915. Aug. 30—Authorizing issuance of licence to Mackenzie Air Service Limited, for air transportation between Edmonton, Alta., and Coppermine, N.W.T.
57916. Aug. 30—Amending Order No. 57775 *re* crossing of V.V. & E.Ry. & Nav. Co., at Brighouse, B.C., by striking out word "southbound" in paragraph 1 and substituting therefor the word "northbound."
57917. Sept. 1—Directing C.P.R. to install double bells and wigwags at crossing near Scotstown, Que.
57918. Aug. 30—Authorizing C.P.R. to construct spur to serve Slack Brothers, of Waterloo, at Waterloo, Que.
57919. Aug. 30—Authorizing C.P.R. to cross road allowance at grade between N.E. $\frac{1}{4}$ of Sec. 26 and N.W. $\frac{1}{4}$ of Sec. 25-7-22 WPM., Man.
57920. Sept. 1—Authorizing Nipissing Central Ry. to construct spur to serve Hill-Clark-Francis, Ltd., at Kirkland Lake, Ont.
57921. Aug. 30—Authorizing Nelson and Fort Sheppard Ry. to construct relocation and extension of spur track to serve F. R. Rotter at Salmo, B.C.
57922. Aug. 31—Declaring Michigan Central R.R. crossing of St. Andrews Road at Muirkirk, Ont., protected to Board's satisfaction.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

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ORDER No. 57931

In the matter of the application of the Grand River Railway Company, under Section 276 of the Railway Act, for authority to open for the carriage of traffic that portion of its line of railway, as revised, from Station 0÷00 (Mileage 2·90) to Station 97÷02 (Mileage 4·70) in the Town of Preston, in the Province of Ontario.

File No. 40477.

TUESDAY, the 5th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Chief Engineer of the Board, concurred in by its Chief Engineer, and the filing of the necessary affidavit:—

It is ordered: That the Grand River Railway Company be, and it is hereby, authorized to open for the carriage of traffic that portion of its line of railway, as revised, from Station 0÷00 (Mileage 2·90) to Station 97÷02 (Mileage 4·70) in the Town of Preston, in the Province of Ontario; and that Order No. 57903, dated 26th August, 1939, be rescinded.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57933

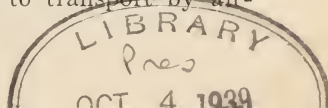
In the matter of the application of Wings Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg and Bissett, Manitoba, and intermediate points.

File No. 42007.19.7.

TUESDAY, the 5th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by air—



craft passengers and/or goods on a scheduled route between the following points and places:—

Winnipeg, Lac du Bonnet, Bird River, Maskwa, Diana, Wadhope, Beresford Lake, Halfway Lake, Wallace Lake, and Bissett, in the Province of Manitoba,—

which points and places are specifically named by the Governor in Council under Order in Council P.C. 1451, dated June 15th, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly, between: Winnipeg, Lac du Bonnet, Beresford Lake and Bissett. Service as required by flag stops at Bird River, Maskwa, Wadhope, Diana, Halfway Lake, and Wallace Lake,—

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That licence No. C.T.C. (A.T.) 46 be issued for the period of one year from September 7, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57934

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 5th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 18 to Tariff C.T.C. No. E.1671

Supplement 55 to Tariff C.T.C. No. E.2248

Supplement 15 to Tariff C.T.C. No. E.2925

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57935

In the matter of the application of Wings Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg, Manitoba, and Red Lake, Ontario, and intermediate points.

File No. 42007.19.5

WEDNESDAY, the 6th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Winnipeg, Lac du Bonnet, in the Province of Manitoba; Cole, Golden Arm, Madsen, McKenzie Island, Red Lake, in the Province of Ontario,—

which points and places are specifically named by the Governor in Council under Order in Council P.C. 1451, dated June 15th, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly, between: Winnipeg, Lac du Bonnet, Madsen, McKenzie Island, and Red Lake;

Service as required by flag stops at Cole and Golden Arm,—
by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 45 be issued for the period of one year from September 7, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57940

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 7th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 1440B to Fredericton, N.B., and North Devon, N.B., in supplement No. 25 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 1440B to Fredericton and North Devon, N.B., in supplement No. 25 to Tariff C.T.C. No. E.4878, approved herein, are as follows:—

Item	To	Cents per 100 pounds
1440B	Fredericton, N.B.	} 6½
	North Devon, N.B.	

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57941

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 7th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 120 of 5th revised page 22 to Tariff C.T.C. No. E.4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 120 of 5th revised page 22 to Tariff C.T.C. No. E.4757, approved herein, are as follows:—

Item	To	Cents per 100 pounds
120	Montreal, Quebec	41
	Quebec, Quebec	41½

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57942

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 7th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 3900D to Fenwick, Ontario, and item 3910C to Waterford, Ontario, in Supplement No. 24 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 3900D to Fenwick, Ontario, and item 3910C to Waterford, Ontario, in Supplement No. 24, to Tariff C.T.C. No. E.4878, approved herein, are as follows:—

Item	From	Cents per 100 pounds Minimum 80,000
3900D	Saint John, N.B., to Fenwick, Ont.	31
3910C	Saint John, N.B., to Waterford, Ont.	33½

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57947

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 7th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 11 of Supplement No. 25 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 11 of Supplement No. 25 to Tariff C.T.C. No. 986, approved herein, are the 2nd class rates covered by previous order or orders.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57949

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

FRIDAY, the 8th day of SEPTEMBER, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.T.C. No. 787, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 787, approved herein, are as follows:—

Miles	Cents per 100 pounds
10..	5
20..	5½
30..	6
40..	6½
50..	7½
70..	8½
90..	9
100..	9½
125..	10

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 57950

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

FRIDAY, the 8th day of SEPTEMBER, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.T.C. No. 789, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 789, approved herein, are as follows:—

Miles	SECTION 1	Cents per 100 pounds
5..		4½
10..		5
20..		5½
30..		6½
40..		7½
50..		8
60..		9
70..		9½
80..		10
90..		10½
100..		11½
125..		12½

	Cents per Billed	100 pounds Normal
Montreal, Quebec..	4	5
Montmagny, Quebec..	6	7½
Quebec, Quebec..	6½	8

ORDER NO. 57951

File No. 34822.14

FRIDAY, the 8th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

1. That the tolls published in Tariff C.T.C. No. 790, filed by the Témiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 790, approved herein, are as follows:—

Miles	Cents per 100 Pounds
10	6½
20	7
30	7½
40	8
50	9½
60	10
70	10½
80	11
90	12
100	12½
125	13

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 57948

File No. 34882.13.

FRIDAY, the 8th day of September, A.D. 1939.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
G. A. STONE, *Commissioner.*

1. That the tolls published in item 96 of Supplement No. 50 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 96 of Supplement No. 50 to Tariff C.T.C. No. 1006, approved herein, are the 2nd class rates covered by previous order or orders.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER NO. 57956

In the matter of the complaint of Imperial Fuels, of London, Ontario, against the rate on bituminous coal from Port Stanley, Ontario, to London, Ontario.

File No. 42276.

SATURDAY, the 9th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon hearing the matter at the sittings of the Board held in London, August 24, 1939, in the presence of Counsel for Imperial Fuels and a representative of the London and Port Stanley Railway, and what was alleged—

It is ordered: That the complaint be, and it is hereby, dismissed.

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57938

In the matter of the application of G. C. Ransom, Agent, hereinafter called the "Applicant," for and on behalf of carriers, for permission to amend tariffs of tolls publishing water competitive rates to Sault Ste. Marie, Ontario, on less than statutory notice.

File No. 27612.205.

TUESDAY, the 12th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant states that the tolls published in the following tariffs, namely:—

Item 5450, Canadian National Railways Tariff C.T.C. No. E-2115
Item 5510, Canadian National Railways Tariff C.T.C. No. E-2115
Item 5978, Canadian National Railways Tariff C.T.C. No. E-2115
Item 6302, Canadian National Railways Tariff C.T.C. No. E-2115
Item 235, Canadian Pacific Railway Tariff C.T.C. No. E-4878
(Sup. 19)

Item 725, Canadian Pacific Railway Tariff C.T.C. No. E-4878
(Sup. 19)

Item 540A, Toronto, Hamilton & Buffalo Railway Tariff, C.T.C. No. 1690 (Sup. 6)
Item 570A, Toronto, Hamilton & Buffalo Railway Tariff, C.T.C. No. 1690 (Sup. 6)

do not maintain the proper relationship between rail and water competition, and it is desired to bring about such proper relationship by publication of tariffs on less than statutory notice—

The Board orders: That the Applicant be, and it is hereby, granted leave to amend the said tariffs on three days' notice.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER NO. 57966

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822.14

THURSDAY, the 14th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 788, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 788, approved herein, are as follows:—

Miles	Cents per ton of 2,000 pounds Column "A"	
	Anthracite	Bituminous
10..	105	90
20..	115	100
30..	125	110
40..	135	120
50..	155	140
70..	165	150
90..	180	160
100..	190	170
125..	200	180

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57967

In the matter of the application of the Lake Freight Association as agent for interested carriers, hereinafter called the "Applicant," for permission to advance the rates published in Lake Freight Association tariffs C.T.C. Nos. 7 and 8 on less than statutory notice.

File No. 42322

FRIDAY, the 15th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas Lake Freight Association tariffs C.T.C. Nos. 7 and 8 name joint through rates on various commodities between points in Ontario and Quebec and points in Newfoundland in connection with the Clark Steamship Company, Limited, and the Newfoundland-Canada Steamships, Limited, which are companies not subject to the Board's jurisdiction;

And whereas the Applicant states the Clark Steamship Company, Limited, and the Newfoundland-Canada Steamships, Limited, have served notice that they will no longer accept the traffic upon the present rates and agreed divisions thereof, and that, effective September 11th, 1939, their rates were advanced by 25 per cent, consequently Applicant requests permission to advance the through rates on less than statutory notice—

Therefore the Board orders: That the Applicant be, and it is hereby, granted leave to advance the rates in Lake Freight Association tariffs C.T.C. Nos. 7 and 8 upon ten days' notice, subject to the proviso that the resulting rates will in all respects be subject to complaint or investigation and to determination of the lawfulness of schedules, rates, or charges as provided by the Railway Act.

HUGH GUTHRIE,
Chief Commissioner.

ORDER No. 57969

In the matter of the applications of G. C. Ransom, Agent, on behalf of various rail carriers, Canadian National and Canadian Pacific Railways, and Lake Freight Association on behalf of water carriers, hereinafter called the "Applicants," for permission to cancel tariffs naming through rates in connection with ocean water carriers on less than statutory notice.

File No. 42322

FRIDAY, the 15th day of September, 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicants published various tariffs naming through rates in connection with ocean water carriers to meet specific competitive situations;

And whereas, in view of the unfortunate world situation, the competitive situations which made it necessary to issue said competitive tariffs are removed;

And whereas the ocean carriers have notified inland rail and water carriers that they will not participate in such through tariffs, effective September 11, 1939, in so far as the ocean proportions of such through rates are concerned, and, further, that the ocean rates will revert to the published port rates plus an advance therein of 33½ per cent—

The Board orders: That the Applicants be, and they are hereby, granted leave to cancel tariffs naming through rates in connection with ocean carriers on one day's notice.

HUGH GUTHRIE,
Chief Commissioner.

ORDER No. 57971

In the matter of the application of Quebec Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Seven Islands, Harrington Harbour, and intermediate points, in the Province of Quebec.

File No. 42007.5.2

FRIDAY, the 15th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft

passengers and/or goods on a scheduled route between the following points and places:—

Seven Islands, Moisie, Sheldrake, Riviere au Tonnerre, Riviere St. Jean, Mingan, Havre St. Pierre, Ellis Bay, Baie Johan Beetz, Aguanish, Natashquan, Kegaska, Gethsemani, Harrington Harbour and/or the Barachois, Province of Quebec,—

which points and places are specifically named by the Governor in Council under Order in Council P.C. 569, dated March 14, 1939, pursuant to Section 15(1) (b) of The Transport Act, 1938;

And Whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

From December 15 to April 15, inclusive:

Round trip twice weekly between Seven Islands and Natashquan, with calls once monthly at Moisie, Sheldrake, Riviere au Tonnerre, Riviere St. Jean, Mingan, Havre St. Pierre, Baie Johan Beetz, and Aguanish;

Round trip twice monthly between Natashquan and Harrington Harbour and/or the Barachois, with calls once monthly at Kegaska and Gethsemani;

Round trip twice monthly between Havre St. Pierre and Ellis Bay,—

subject to suitable ground or ice conditions for landing at all points stated herein,—

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 47 be issued for the period of one year from September 15, 1939, but shall be operative only for the actual time in such period as the Applicant has undertaken to provide a scheduled service as herein stated.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57972

In the matter of the application of the Niagara, St. Catharines and Toronto Railway Company, under Section 323 of the Railway Act and Section 18 of The Transport Act, 1938, for approval of By-law adopted by the Board of Directors on September 5, 1939, authorizing certain officers therein mentioned to prepare and issue tariffs of the tolls to be charged in respect of railways and/or vessels owned or operated by the said company, and to submit the same to and file the same with the Board.

File No. 42081.23

FRIDAY, the 15th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board,—

It is ordered: That the said by-law of the Niagara, St. Catharines and Toronto Railway Company, adopted by the Board of Directors on the 5th of September, 1939, authorizing the officers mentioned below to prepare and issue tariffs of tolls to be charged in respect of railways and/or vessels owned or operated by the company, on file with the Board under file No. 42081.23, be, and it is hereby, approved:—

Officer	Class of Tariff
Freight Traffic Manager	Freight
Assistant General Freight Agent	
Chief of Tariff Bureau	
General Passenger Traffic Manager	
Assistant General Passenger Traffic Manager	Passenger
Chief of Tariff Bureau	

H. GUTHRIE,
Chief Commissioner.

ORDER NO. 57978

In the matter of the application of Quebec Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Matane, Seven Islands, and intermediate points, in the Province of Quebec.

File No. 42007.5.3

SATURDAY, the 16th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Matane, Godbout, Trinity Bay, Pentecost, Shelter Bay, Clarke City, Seven Islands, Province of Quebec;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

From December 15 to April 15 inclusive:—

Round Trip twice monthly between Matane and Seven Islands, with calls at Godbout, Trinity Bay, Pentecost, Shelter Bay, and Clarke City;

Subject to suitable ground and ice conditions for landing;
by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 48 be issued for the period of one year from September 15, 1939, but shall be operative only for the actual time in such period as the Applicant has undertaken to provide a scheduled service as herein stated.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

P.C. 2668

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 14th day of September, 1939.

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL—

WHEREAS by Order in Council, P.C. 953, dated the 26th of April, 1939, the following points and places, designated for identification purposes by the route number shown, were named on the recommendation of the Board of Transport Commissioners for Canada, pursuant to the provisions of Section 15 (1) (b) of The Transport Act, 1938, for the purpose of making Part III of the said Act applicable to transport by air by means of reasonably regular air transport services between the said points and places:

Route No.

Points and Places

C. 14 Oskelaneo, Lake Obiduan, Lake Barry, Father Lake, Presqu'Île Lake, Opemiska Lake, Lake Merrill, Lake Simon, Lake David, Lac Cache, Lake Chibougamau, Lac aux Dores, Lake Bourdeau, Lake Gwillim, Rush Lake, Wakonichi Lake, Mistassini Post, in the Province of Quebec;

AND WHEREAS the Minister of Transport reports that, under date the 24th of August, 1939, the Board of Transport Commissioners has recommended

that Order in Council, P.C. 953, dated the 26th of April, 1939, be rescinded in so far as it concerns the foregoing points and places designated as Route No. C. 14, inasmuch as application for licence under the provisions of Section 15 (1) (b) of The Transport Act, 1938, in respect of such points and places has been withdrawn;

Now, THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Transport is pleased to order that Order in Council, P.C. 953, dated the 26th of April, 1939, be and it is hereby rescinded in so far as it relates to the said points and places, designated as Route No. C. 14.

H. W. LOTHROP,
Asst. Clerk of the Privy Council.

P.C. 2727

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 18th Day of September, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council P.C. 953, dated the 26th of April, 1939, the following points and places, designated for identification purposes by the route number shown, were named, on the recommendation of the Board of Transport Commissioners for Canada, pursuant to the provisions of Section 15 (1) (b) of The Transport Act, 1938, for the purpose of making Part III of the said Act applicable to transport by air by means of reasonably regular air transport services between the said points and places:—

POINTS AND PLACES

Route No.

- C. 27 Fort St. James, Pinchi Lake, Manson Lake, Germanson Lake, Germanson Landing, Takla Landing, Ussika Lake, Aiken Lake, Bear Lake, Finlay Forks, Fort Grahame, Port St. John, McLeod Lake, Prince George, in the Province of British Columbia;

And whereas the Minister of Transport reports that, under date the 24th of August, 1939, the Board of Transport Commissioners has recommended that the foregoing points and places designated as Route No. C. 27, be rescinded and that the following points and places be substituted therefor:—

POINTS AND PLACES

Route No.

- C. 27 Fort St. James, Pinchi Lake, Manson Creek, Germanson Lake, Germanson Landing, Takla Landing, Ussika Lake, Aiken Lake, Bear Lake, Prince George, in the Province of British Columbia;

That the Board advises that the above mentioned substitution will provide for the addition of Manson Creek, to which point and place the Board is of the opinion all of the provisions of Part III of The Transport Act, 1938, may fittingly be applied; also for the deletion of Manson Lake, Finlay Forks, Fort Grahame, Fort St. John and McLeod Lake;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to amend the Order in Council, P.C. 953, dated the 26th of April, 1939, and it is hereby amended by the deletion of the following points and places designated for identification purposes by the route number shown as they are therein set out, namely:—

POINTS AND PLACES

Route No.

- C. 27 Fort St. James, Pinchi Lake, Manson Creek, Germanson Lake, Germanson Landing, Takla Landing, Uslika Lake, Aiken Lake, Bear Lake, Finlay Forks, Fort Grahame, Fort St. John, McLeod Lake, Prince George, in the Province of British Columbia;

and the substitution in lieu thereof the following points and places as hereinunder set out, namely:—

POINTS AND PLACES

Route No.

- C. 27 Fort St. James, Pinchi Lake, Manson Creek, Germanson Lake, Germanson Landing, Takla Landing, Uslika Lake, Aiken Lake, Bear Lake, Prince George, in the Province of British Columbia;

such points or places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

H. W. LOTHROP,
Assistant Clerk of the Privy Council.

Notice is hereby given that authority has been granted to Mackenzie Air Service Limited to substitute a weekly service for the former twice-weekly service between Edmonton, McMurray, Bitumont, Embarras, Chipewyan, Fort Smith and Goldfields, between which points the said company has been granted Licence No. C.T.C. (A.T.) 33.

The amendment to the frequency is effective as from September 18, 1939.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

October 16, 1939

No. 15

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Application of the Normetal Mining Corporation, Limited, and the Normetal Railway Company in respect of division of the rates, and the rates published in certain tariffs of the Canadian National Railways.

File No. 30513

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

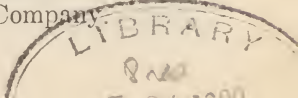
A preliminary objection to the application was taken by the Canadian National Railways on the ground of lack of jurisdiction, and the argument on the question of jurisdiction was heard by the Board at Ottawa on September 14, 1939, in the presence of Peter White, K.C., appearing for the applicants, and Mr. I. C. Rand, K.C., appearing for the Canadian National Railways.

The application is made by Normetal Mining Corporation, Limited (hereinafter referred to as "the Mining Company"), and Normetal Railway Company in respect of two tariffs of the Canadian National Railways (C.T.C. No. E-2863 and C.T.C. No. E-3015) in connection with initial carrier Normetal Railway Company. These tariffs were filed by the Canadian National Railways under power of attorney from Normetal Railway Company.

According to the statements in the application, the property of the Mining Company served by the Normetal Railway Company lies about twelve miles north of Dupuy, a station on the Transcontinental line of the Canadian National Railways, and the Normetal Railway runs from the said property to Dupuy and connects at Dupuy with the Canadian National Railways.

Tariff C.T.C. No. E-2863 consists of local rates from Dupuy, and other points on the Canadian National Railways, to Quebec, and a joint rate from Normetal (the property of the Mining Company) to Quebec. Tariff C.T.C. No. E-3015 consists of local rates from Dupuy and other points on the C.N.R. to Noranda, and a joint rate from Normetal to Noranda.

The application contains a claim for relief by the Mining Company, a claim for relief by the Normetal Railway Company, and a statement of facts which go to support only the claim of the Normetal Railway Company.



The Mining Company asks for an Order disallowing both the tariffs and requiring the substitution of other tariffs; or, in the alternative, requiring the two railways to agree upon and file a joint tariff in respect to the rates mentioned in the said tariffs; or, in the further alternative, fixing the toll or tolls and apportioning the same among the companies interested.

There is some ambiguity in the wording of the application; but it has been made quite clear by the statements of Counsel for the applicants made to the Board on the hearing that the Mining Company is attacking, and intended by its application to attack, only the joint rates in these tariffs, and that the gist of the application of the Mining Company is a request for an Order substituting, or requiring the substitution of, new joint tariffs for the present joint tariffs of the Canadian National Railways and the Normetal Railway Company.

The Normetal Railway Company is a provincial railway. It was authorized by Order in Council of the Province of Quebec and incorporated by Act of the Quebec Legislature. It has not been declared by Parliament to be a work for the general advantage of Canada.

The Board has no powers except such as are given to it by statute. There is no section of the Railway Act, or of any other Act, conferring on the Board power to make an Order such as the Mining Company here asks for, when one of the railways concerned is a provincial railway. The Mining Company says that it is applying under Sections 325 and 337 of the Railway Act, but if these sections are read in conjunction with Section 2, it is evident that they refer to Dominion railways only.

Prior to the year 1919, Section 8 of the Railway Act provided, *inter alia*, that a provincial railway which connects with a Dominion railway should be subject to the provisions of the Act relating to—

“(b) the through traffic upon a railway or tramway and all matters appertaining thereto.”

The judgment of the Privy Council in *City of Montreal v. Montreal Street Ry. Co.*, (1912) A.C., p. 333, decided that the enactment of subsection (b) above quoted was *ultra vires* of the Parliament of Canada. When the Railway Act was revised in 1919, this subsection was repealed and was not re-enacted.

For the reasons above set out, my opinion is that the Board lacks jurisdiction to make the Order asked for by the Mining Company.

The Normetal Railway Company asks for an Order apportioning the joint rates. For the same reasons, my opinion is that the Board has no jurisdiction to grant the relief claimed by the Normetal Railway Company.

The application of the Mining Company and the Normetal Railway Company should be dismissed.

In order to remove any possibility of doubt on the point, I think it is well to declare that the dismissal of this application is without prejudice to the rights of the applicants, or either of them, to apply to the Board in regard to local rates of the Canadian National Railways.

- September 18, 1939.

The Assistant Chief Commissioner concurred.

ORDER No. 58001

In the matter of the application of the Normetal Railways Company and the Normetal Mining Corporation, Limited, hereinafter called the "Applicants," for relief in respect of division of rates and in respect of rates published in Canadian National Railway Tariffs C.T.C. No. E-2863 and C.T.C. No. E-3015.

File No. 30513

WEDNESDAY, the 20th day of September, A.D. 1939.

Hon. HUGH GUTHRIE., K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*

Upon hearing the application at the sittings of the Board held at Ottawa, September 14, 1939, in the presence of counsel for the applicants and the railway company, and what was alleged—

It is ordered: That the application be, and it is hereby, dismissed; such dismissal, however, to be without prejudice to the rights of the applicants, or either of them, to apply to the Board in regard to local rates of the Canadian National Railways.

H. GUTHRIE,
Chief Commissioner.

Application of the Canadian National Railways for an Order authorizing the removal of the gates at South Main Street Crossing, Westville, N.S., Mileage 2·98 Pictou Subdivision, and the substitution of a bell and wig-wag therefor.

File No. 27218.15

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This application was heard at New Glasgow, N.S., on 7th September, 1939, in the presence of counsel for the Canadian National Railways, and also in the presence of Mr. J. A. MacGregor, Mr. G. E. Dawson, Mr. D. W. Crockett, Mr. F. G. Crockett and Mr. G. E. MacLeod, who represented the Town of Westville, N.S. After hearing what was alleged by the applicants and the objections urged by representatives of the Town of Westville, the members of the Board visited the railway crossing concerned in this application and had an opportunity of viewing the situation as it there exists.

Westville is a municipality with a population of about 4,000, and is at mileage 2·98 on the Pictou Subdivision of the applicants' railway. The municipality is largely dependent upon two coal mines which are operating in the immediate vicinity, and there is also a good agricultural country surrounding Westville.

The railway crossing in question is located on the main business thoroughfare of the town, at about 300 feet south of the station. This crossing for many years has been protected by manually operated gates. The present gates were installed in the year 1919, and the applicants allege that they are now worn out and will have to be renewed at considerable cost. The applicants paid the whole cost of the installation of the gates, and have since paid the whole cost of maintenance and of the watchman. The present gates are operated by a watchman between the hours of 6.30 a.m. and 4.30 p.m. The gates then remain open until 6.30 p.m., when they are again operated by a watchman until 7.30 p.m., so that the gates are really operated for eleven hours per day, and for thirteen hours they remain open without a watchman in attendance.

The crossing is known as the Main Street crossing, and the traffic over this crossing is considerable. The applicants filed a statement (Exhibit 1), which shows the traffic over the crossing, both by the public and on the railway, from 12.00 noon, September 5, until 12.00 noon, September 6, 1939. This exhibit shows the traffic on the above date from hour to hour, but for the 24-hour period, going both north and south over the crossing, there were 5,366 pedestrians, 2,266 automobiles, 527 auto trucks, and 176 horse-drawn vehicles, while during the same period there were 12 train movements over the crossing of which six were an oil electric unit running between Pictou and New Glasgow or Stellarton. The other six consist of trains carrying between five and six cars. There was also a movement over the crossing of one engine without cars.

Main Street is a municipal highway, being an unpaved gravel road, the travelled portion of which is about 40 feet in width and, in addition, has sidewalks on each side. The view at the crossing from Main Street, looking north, is restricted to some extent by buildings, while the view looking south is fairly good.

From the figures submitted, railway traffic over this crossing cannot be considered heavy, nor can it be described as rapid transportation, because trains proceeding south from Westville to Stellarton only start at the station, 300 feet from the crossing. Trains proceeding north have to come up a heavy grade from Stellarton. It is said that the trains from Stellarton often obtain a high rate of speed when passing over the crossing, as they must do so to overcome the grade.

The pedestrian traffic over the crossing, shown in Exhibit 1, would include a considerable number of school children who pass and repass the crossing several times a day going to and returning from school.

A number of accidents have occurred at this crossing, one of which was a fatal accident about the year 1924, and there have been several minor accidents. It was stated that all of these accidents had taken place at hours of the day when the gates were open but not in operation.

It was made abundantly clear at the hearing that opinion among the residents of Westville was unanimously against the removal of the gates and the substitution of bells and wig-wags. The residents of Westville are satisfied with the protection at present afforded by gates, although they would prefer to have the time the gates are operated extended, if possible, throughout the whole period of 24 hours, or at least until midnight, each day.

After hearing all the objections urged on behalf of the residents of Westville, and after viewing the crossing upon the ground, I feel that better protection could be given at this crossing by the installation of double bells and wig-wags than is now afforded by the part-time protection given by way of gates. It was stated by the applicants that there would not be much difference in cost as between the installation of double bells and wig-wags and the installation of a new set of gates, but it was also stated that the applicants would be relieved of a considerable amount of annual expenditure, if this change were made. The present cost of operating the gates is, approximately, \$1,200 per annum, and the cost of maintaining double bells and wig-wags would not be more than \$250 or \$300 per annum, and applicants assert that better protection would be given to the people of Westville as well as a considerable saving in the cost of operation to the railway company.

It is to be noted that all the accidents, of which there is a record, have occurred at this crossing at times when the gates were not in operation. I think it is obvious that when the gates are left open they constitute an invitation to persons on the highway to cross with safety, while as a matter of fact the open gates create a real hazard, unless some notification is given to the public that the gates are out of operation.

In my opinion, greater protection and security will be given to the public by the installation of double bells and wig-wags than is now afforded by the gates, and I would make an Order authorizing the applicants to remove the gates at Main Street crossing and erect in lieu thereof double bells and wig-wags to operate during all hours of the day and night. These bells and wig-wags shall be located and erected in such manner as the Chief Engineer of this Board shall direct, and the cost of installation and of maintenance hereafter shall be borne by the applicants.

September 20, 1939.

The Assistant Chief Commissioner concurred.

ORDER No. 57994

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for an Order authorizing the removal of gates installed, under the authority of the Order of the Board No. 50467, dated October 31, 1933, at the crossing of South Main Street, Westville, Nova Scotia, mileage 2.98 Pictou Subdivision, and the substitution of a bell and wigwag therefor.

File No. 27218.15

THURSDAY, the 21st day of September, A.D. 1939.

Hon. HUGH GUTHRIE., K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

Upon hearing the application at the sittings of the Board held at New Glasgow, Nova Scotia, September 7, 1939, in the presence of counsel for the applicants and the Town of Westville, and what was alleged; and upon an examination by the Board of the *locus in quo*—

It is ordered:

1. That the applicants be, and they are hereby, authorized to install double bells and wigwags, in lieu of the existing gates, at the crossing of South Main Street in the Town of Westville, Province of Nova Scotia, mileage 2.98 Pictou Subdivision, in accordance with the Standard Specifications for Highway Crossing Signals approved under General Order No. 468, dated March 12, 1929, as amended by General Orders numbered 521 and 553, dated respectively November 2, 1933, and March 26, 1936; a detail plan showing the layout thereof to be submitted for the approval of an engineer of the Board.

2. That the cost of installing and maintaining the said double bells and wigwags be borne and paid by the applicants.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57968

In the matter of the Order of the Board No. 57634, dated June 22, 1939, approving Agreed Charge between the Canadian National Railways, the Canadian Pacific Railway Company, the Canadian Pacific Express Company, and the Manitoba Co-Operative Poultry Marketing Association, Limited, covering the transportation of eggs, less than carloads, from Manitoba and Saskatchewan points to Winnipeg.

File No. 40994.2

THURSDAY, the 21st day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

Whereas the Saskatchewan Co-Operative Creamery Association Limited, Regina, Saskatchewan, and the Mid-West Produce Co., Winnipeg, Manitoba, have made representations to the Board that their businesses will be unjustly discriminated against unless a similar charge be fixed for the transportation of their eggs to Winnipeg, and have expressed their willingness to forward 100 per cent of their egg shipments to Winnipeg by railway (except from Wapella, Saskatchewan, in the case of the Mid-West Produce Co.), at the same charge as fixed for the Manitoba Co-Operative Poultry Marketing Association, Limited, and otherwise meet the provisions of the existing agreed charge;

And whereas the railway, as defined in Agreed Charge No. 2, has stated it has no objection to the Board fixing the charge applied for—

It is therefore ordered:

1. That the railway, as defined in Agreed Charge No. 2, shall establish a charge covering shipments of eggs consigned to Winnipeg by the Mid-West Produce Co., Winnipeg, Manitoba, and the Saskatchewan Co-Operative Creamery Association Limited, Regina, Saskatchewan, to the extent of not less than 100 per cent of their shipments to that point (except from Wapella, Saskatchewan, in the case of the Mid-West Produce Co.).

2. That the charge shall be that published in Agreed Charge Tariff C.T.C. (A.C.) No. 2, and subject to the other conditions attaching to the said Agreed Charge No. 2.

3. That the same be made effective forthwith by supplementary schedule to Agreed Charge Tariff C.T.C. (A.C.) No. 2, and to expire upon the same date as Agreed Charge No. 2.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57984

In the matter of tariffs, and supplements to tariffs; filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 18th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates

Act be, and they are hereby, approved subject to the provisions of Subsection 3 of the said Section 3, namely:—

Supplement No. 76 to Tariff C.T.C. No. E.1244.
 Supplement No. 30 to Tariff C.T.C. No. E.1256.
 Supplement No. 63 to Tariff C.T.C. No. E.1911.
 Supplement No. 24 to Tariff C.T.C. No. E.2448.
 Supplement No. 35 to Tariff C.T.C. No. E.2526.
 Tariff C.T.C. No. E.3099.
 Tariff C.T.C. No. E.3105.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57985

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.14

MONDAY, the 18th day of September, A.D. 1939.

Hon. HUGH GUTHRIE., K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 791, filed by the Temiscouata Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 791, approved herein, are as follows:—

Miles	Cents per 100 pounds
10.. .. .	7
20.. .. .	7½
30.. .. .	8
40.. .. .	9
50.. .. .	10
60.. .. .	10½
70.. .. .	11½
80.. .. .	12
90.. .. .	12½
100.. .. .	13
125.. .. .	14

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57986

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

MONDAY, the 18th day of September, A.D. 1939.

Hon. HUGH GUTHRIE., K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in item 95A of Supplement No. 17 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under

Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 95A of Supplement No. 17 to Tariff C.T.C. No. 1063, approved herein, are as follows:—

Item	Miles	Cents per 100 pounds
95A	20	3
	50	3½
	90	4½
	125	6
	150	8

H. GUTHRIE,
Chief Commissioner.

ORDER No. 57988

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.42

TUESDAY, the 19th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published from stations in the provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Quebec, east of Diamond and Levis and south of the St. Lawrence river, in Section 1, and in items 60, 70, 90, 110, 130, 140, and 150 in Section 2 of Tariff C.T.C. No. 1166, filed by the Canadian Freight Association under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1166, from stations in the provinces of New Brunswick, Nova Scotia, and Quebec, east of Diamond and Levis and south of the St. Lawrence river, in Section 1, and in items 60, 70, 90, 110, 130, 140, and 150 in Section 2, approved herein, are as follows:—

The eastbound class rates published in Section 1 of the said Tariff C.T.C. No. 1166.

Section 2 Items

- 60 The 8th and 4th class rates covered by this Order.
- 70 The 5th class rates covered by this Order.
- 90 The 4th, 1st, and 2nd class rates covered by this Order.
- 110 From Saint John, N.B., Local Delivery 61½ cents; for furtherance, 59 cents per 100 pounds.
- 130 The 4th or 5th class rates covered by this Order.
- 140 The 7th class rates covered by this Order.
- 150 The 4th class rates covered by this Order.

From stations on the Dominion Atlantic Railway, one and one-half cents per 100 pounds to be deducted on account of water movement.

H. GUTHRIE,
Chief Commissioner.

ORDED No. 57989

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.42

TUESDAY, the 19th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published from stations in the provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Quebec, east of Diamond and Levis, Quebec, and south of the St. Lawrence river, in Tariff C.T.C. No. 1164, filed by the Canadian Freight Association under Section 9 of the Maritime Freight Rates Act, be, and they are hereby approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1164, from stations in the provinces of New Brunswick, Nova Scotia, and Quebec, east of Diamond and Levis, Quebec, and south of the St. Lawrence river, approved herein, are the eastbound class rates published in the said Tariff C.T.C. No. 1164.

From stations on the Dominion Atlantic Railway, one and one-half cents per 100 pounds to be deducted on account of water movement.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58002

In the matter of the application of G. C. Ransom, Agent, hereinafter called the "Applicant," for and on behalf of carriers, for permission to publish on less than statutory notice a rate of 122 cents per gross ton of 2,240 pounds on Manganese Skimmings, carloads, from Welland, Ontario, to Buffalo, New York.

File 27612.206

FRIDAY, the 22nd day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

Whereas the applicant states that shippers have requested that the proposed rate, which now applies from Welland, Ontario, to Suspension Bridge, New York, be published to Buffalo, New York, to take care of emergency business resulting from international conditions; and similar application having been made to the Interstate Commerce Commission—

It is ordered: That the applicant be, and it is hereby, permitted to publish on one day's notice a rate of 122 cents per gross ton of 2,240 pounds on manganese skimmings, carloads, from Welland, Ontario, to Buffalo, New York, subject to the necessary authority having been received from the Interstate Commerce Commission.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58005

In the matter of the application of the Ginger Coote Airways Limited, under Section 18 of The Transport Act, 1938, for approval of resolution adopted by the Board of Directors on August 24, 1939, authorizing the Operations Manager of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned and operated by the Company, and to submit the same to and file the same with the Board.

File No. 42057.16

SATURDAY, the 23rd day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the resolution of the Ginger Coote Airways Limited, adopted August 24, 1939, authorizing the Operations Manager of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned and operated by the company, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.16, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58010

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 25th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of Subsection 3 of the said Section 3, namely:—

Supplement No. 1 to Tariff C.T.C. No. E.3078.

Supplement No. 1 to Tariff C.T.C. No. E.3099.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58012

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

MONDAY, the 25th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 8 to Tariff C.T.C. No. E.4790, filed by the Canadian Pacific Railway Company under Section 9 of

the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 8 to Tariff C.T.C. No. E.4790, approved herein, are as follows:—

Rule 10 (Note).—Through rates from stations on Dominion Atlantic Railway and Temiscouata Railway, which are subject to arbitraries over groups “K” or “H” rates on eastbound traffic in Canadian Freight Association Tariff C.T.C. No. 1165, will be made by the addition of such arbitraries to the normal rates as named for groups “K” or “H” in Order No. 54045, dated March 6, 1937, or subsequent orders in connection with Canadian Pacific Railway Tariff C.T.C. No. E.4790 and supplements thereto.

The normal rates will be those named in orders approving Canadian Pacific Railway Tariff C.T.C. No. E.4790 and supplements thereto.

From stations on the Dominion Atlantic Railway, one and one-half cent per 100 pounds to be deducted account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58015

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 27th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. E.4897, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. E.4897, approved herein, are as follows:—

Item

10 From stations specified in Rule 10 of Tariff (see exception), the normal tolls are the Montreal, Quebec, rates published in Canadian Freight Association Tariff C.T.C. No. 569, plus 8 cents, 12 cents, or 14 cents per 100 pounds, when originating at stations taking Eastbound Rate Groups “H”, “K”, or “L”, respectively, specified in Canadian Freight Association Tariff C.T.C. No. 1165.

Exception—From stations on Dominion Atlantic Railway and Temiscouata Railway, which are subject to arbitraries over Groups “K” or “H” rates on eastbound traffic in Canadian Freight Association Tariff C.T.C. No. 1165, such arbitraries are to be added to the normal rates authorized above, except as follows:—

From stations on the Dominion Atlantic Railway listed below, Montreal, Quebec, rates published in Canadian Freight Association Tariff C.T.C. No. 569, plus the under-mentioned arbitraries, will apply:—

From	Cents per 100 pounds
Annapolis Royal, N.S.	41
Auburn, N.S.	39½
Avonport, N.S.	34
Aylesford, N.S.	39½
Bear River, N.S.	42½

From	Cents per 100 pounds
Berwick, N.S.	37
Billtown, N.S.	39½
Brickton, N.S.	41
Bridgetown, N.S.	31
Cambridge, N.S.	37
Canning, N.S.	37
Centreville, N.S.	37
Clementsport, N.S.	42½
Coldbrook, N.S.	37
Deep Brook, N.S.	42½
Falmouth, N.S.	30
Grafton, N.S.	41
Grand Pre, N.S.	34
Hantsport, N.S.	31½
Hillaton, N.S.	37
Horton Landing, N.S.	34
Kentville, N.S.	36
Kingsport, N.S.	37
Kingston, N.S.	39½
Lakeville, N.S.	39½
Lawrencetown, N.S.	41
Middleton, N.S.	27
Mill Village, N.S.	37
Mount Denson, N.S.	31½
Paradise, N.S.	41
Port Williams, N.S.	36
Roundhill, N.S.	41
Sheffield Mills, N.S.	31
Smith's Cove, N.S.	42½
Somerset, N.S.	42½
Tupperville, N.S.	41
Upper Clements, N.S.	42½
Waterville, N.S.	37
Weston, N.S.	42½
Wilmot, N.S.	39½
Windsor, N.S.	30
Wolfville, N.S.	34
Woodville, N.S.	41

For purpose of reimbursement, shipments from Digby and Digby Wharf, Nova Scotia, will be reported at Saint John, New Brunswick rates.

	From	Cents per 100 pounds	
		All Rail	Rail, Lake & Rail
20	Fredericton, N.B.	76	
	Milltown, N.B.		
	Saint John, N.B.		
	Yarmouth, N.S.		
30	To		
	Moose Jaw, Sask.	115½	
	Winnipeg, Man.	89½	84½
		Cents per 100 pounds	
40		All Rail	Rail, Lake & Rail
		121½	108½
50	Saint John, New Brunswick, 2nd class rates, authorized in Order No. 57989, dated September 19th, 1939, plus 19 cents per 100 pounds.		
60	Saint John, New Brunswick, normal rates.		
70	Saint John, New Brunswick, normal rates.		
		All Rail	
		Column	
80	To	1	2
	Calgary, Alta.	216½	256½
	Edmonton, Alta.		
	Fort William, Ont.	99	121
	Moose Jaw, Sask.	179½	214½
	Port Arthur, Ont.	99	121
	Prince Albert, Sask.	191½	226½
	Regina, Sask.	173½	208½
	Saskatoon, Sask.	186½	221½
	Winnipeg, Man.	132	161½
90		All Rail	Rail, Lake & Rail
		175	169

		All Rail Rail, Lake & Rail	
100	Battleford, Sask.	200½	194½
	Brandon, Man.	155½	149½
	Calgary, Alta.	223½	217½
	Camrose, Man.	218½	212½
	Dauphin, Man.	160½	154½
	Edmonton, Alta.	223½	217½
	Lethbridge, Alta.	215½	209½
	Medicine Hat, Alta.	206½	200½
	Moose Jaw, Sask.	184½	178½
	North Battleford, Sask.	200½	194½
	Portage la Prairie, Man.	145½	139½
	Prince Albert, Sask.	197½	191½
	Regina, Sask.	178½	172½
	Saskatoon, Sask.	191½	185½
	Swift Current, Sask.	194½	188½
	Weyburn, Sask.	175½	169½
	Winnipeg, Man.	137½	131½
	Yorkton, Sask.	170½	164½
110	4th class rates covered by Order No. 57989, dated September 19th, 1939.		
120		Rail	Lake and Rail
		Local	Furtherance
		61½	59
		All Rail Rail, Lake & Rail	
130		Montreal, Que.,	
		5th class rates	47
		plus 10 cents	
		per 100 pounds	
140	To	All Rail, Rail, Lake & Rail	
	Calgary, Alta. }	487½	462½
	Edmonton, Alta. }		
	Winnipeg, Man. }	295½	270½
150	Saint John, New Brunswick, 1st class rates covered by Order No. 57989, dated September 19th, 1939, plus 29 cents per 100 pounds.		
160	5th class rates covered by Order No. 57989, dated September 19th, 1939.		
		All Rail	
Item		St. Andrews, N.B.	
170	To	Halifax, N.S. Saint John, N.B.	
	Brandon, Man.	92	90
	Calgary, Alta. }		
	Edmonton, Alta. }	128	126
	Fort William, Ont.	77	75
	Lethbridge, Alta.	123	121
	Moose Jaw, Sask.	107	105
	Port Arthur, Ont.	77	75
	Prince Albert, Sask.	113	111
	Regina, Sask.	104	102
	Saskatoon, Sask.	110	108
	South Edmonton, Alta.	128	126
	Winnipeg, Man.	83	81
180	To	All Rail	
	Calgary, Alta. }		
	Edmonton, Alta. }	211	
	Moose Jaw, Sask.		
	Regina, Sask.	172	
	Saskatoon, Sask.	166	
	Saskatoon, Sask.	179	
	Winnipeg, Man.	125	
190	10th class rates covered by Order No. 57989, dated September 19th, 1939.		
200	\$20.80 per ton of 2,000 pounds, less 30 cents per ton account water movement.		
210	To	All Rail Rail, Lake & Rail	
	Brandon, Man.	133½	128½
	Winnipeg, Man.	115½	110½
		All Rail	
220	To	Boxes or Crates	Bundles
	Banff, Alta.	524	786
	Brandon, Man.	355½	534
	Calgary, Alta. }		
	Edmonton, Alta. }	512	768
	Fort William, Ont.	262½	394
	Lethbridge, Alta.	494	741
	Moose Jaw, Sask.	421½	632½
	Port Arthur, Ont.	262½	394

220	To	All Rail	
		Boxes or Crates	Bundles
	Red Deer, Alta.	515½	774
	Regina, Sask.	410½	616
	Revelstoke, B.C.	561	841½
	Saskatoon, Sask.	437½	656½
	Winnipeg, Man.	318	477½
Item	To	All Rail	
		Rail, Lake & Rail	
230	Brandon, Man.	80½	75
	Calgary, Alta.	106½	101
	Edmonton, Alta.		
	Fort William, Ont.	46½	41
	Lethbridge, Alta.	107½	
	Macleod, Alta.	109½	
	Maple Creek, Sask.	101½	
	Marlboro, Alta.	116½	111½
	Medicine Hat, Alta.	104½	
	Moose Jaw, Sask.	93½	88
	North Battleford, Sask.	99½	94
	Port Arthur, Ont.	46½	41
	Portage la Prairie, Man.	75	70
	Prince Albert, Sask.	99½	94½
	Red Deer, Alta.	111½	106
	Regina, Sask.	90½	85
	Saskatoon, Sask.	95½	90
	Swift Current, Sask.	97½	
	West Fort William, Ont.	46½	41
	Winnipeg, Man.	72	67

From Dominion Atlantic Railway stations, one and one-half cent per 100 pounds to be deducted account of water movement.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58016

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 27th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the toll published in item 135 of Supplement No. 23 to Tariff C.T.C. No. E.4645, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 135 of Supplement No. 23 to Tariff C.T.C. No. E.4645, approved herein, is 5½ cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58017

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 27th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the toll published to Ville Marie, Quebec, in Supplement No. 22 to Tariff C.T.C. No. E. 4645, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 22 to Tariff C.T.C. No. E.4645 to Ville Marie, Quebec, approved herein, is 41½ cents per 100 pounds, less one and one-half cents per 100 pounds account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58018

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 27th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in item 1285 of 5th revised page 55 to Tariff C.T.C. No. E.4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 1285 of 5th revised page 55 to Tariff C.T.C. No. E.4757, approved herein, are as follows:—

Item	Cents per 100 pounds
1285 From Fairville, N.B.	23
Hantsport, N.S.	42½

From Dominion Atlantic Railway stations, one and one-half cent per 100 pounds to be deducted account water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58019

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 27th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in item No. 2995B of Supplement No. 27 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 2995B of Supplement No. 27 to Tariff C.T.C. No. E.4878, approved herein, are as follows:—

From	Cents per 100 pounds	
	40,000	60,000
Cumberland, N.B.	6	
Hewitt, N.B.	6	
Moore's Mills, N.B.		6

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58020

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 27th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the toll published in item 75A of Supplement No. 26 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 75A of Supplement No. 26 to Tariff C.T.C. No. E.4878, approved herein, is 14 cents per 100 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58022

In the matter of the application of the Canadian National Railways, Express Department, hereinafter called the "Applicant," for permission to advance the rates published in its Tariff C.T.C. No. 182 on less than statutory notice.

File No. 27612.207

WEDNESDAY, the 27th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*

Whereas the applicant's Tariff C.T.C. No. 182 names through express rates between Canada and British West Indies, British Honduras, British Guiana, Bermuda, Bahamas, in connection with ocean carriers not subject to the Board's jurisdiction;

And whereas the applicant states that due to existing war conditions the ocean carriers have, without notice, advanced the ocean proportions of the said through rates, and the applicant requests permission to advance the through rates on less than statutory notice—

Therefore the Board orders: That the applicant be, and it is hereby, granted leave to advance the rates in its Tariff C.T.C. No. 182 upon ten days' notice, subject to the proviso that the resulting rates will, in all respects, be subject to complaint or investigation or to determination of the lawfulness of schedules, rates, or charges, as provided by the Railway Act.

H. GUTHRIE,
 Chief Commissioner.

ORDER No. 58030

In the matter of the application of Starratt Airways & Transportation, Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Hudson, in the Province of Ontario, and Lac du Bonnet, in the Province of Manitoba, and intermediate points.

File No. 42007.22

THURSDAY, the 28th day of September, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of the Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Hudson, Sioux Lookout, Uchi Lake, Red Lake, McKenzie Island, in the Province of Ontario; Lac du Bonnet, in the Province of Manitoba; which points and places are specifically named by the Governor in Council under Order in Council P.C. 2005, dated July 27th, 1939, pursuant to Section 15(1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly, between: Hudson, Sioux Lookout, Uchi Lake, Red Lake, McKenzie Island, Lac du Bonnet;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 49 be issued for the period of one year from September 28, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58031

In the matter of the application of Starratt Airways & Transportation, Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Hudson and Pickle Lake, and intermediate points, in the Province of Ontario.

File No. 42007.22.2

THURSDAY, the 28th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of the Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Hudson, Sioux Lookout, Uchi Lake, Pickle Lake, in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 2005, dated July 27th, 1939, pursuant to Section 15(1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly, between: Hudson, Sioux Lookout, Uchi Lake, Pickle Lake; by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 50 be issued for the period of one year from September 28, 1939.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58046

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.12

MONDAY, the 2nd day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

The Board orders:

1. That the toll published in Supplement No. 19 to Tariff C.T.C. No. E 4324, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 19 to Tariff C.T.C. No. E. 4324, approved herein, are the normal rates to Essa, Ontario, in effect prior to July 1, 1927, in Supplement No. 51 to Canadian Pacific Railway Company's Tariff C.T.C. No. E. 3221.

From Dominion Atlantic Railway Company's stations, one and one-half cents per 100 pounds to be deducted account of water haul.

HUGH GUTHRIE,

Chief Commissioner.

ORDER No. 58047

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.12

MONDAY, the 2nd day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

The Board orders:

1. That the tolls published in Item 75C of Supplement No. 75 to Tariff C.T.C. No. E. 4734, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 75C of Supplement No. 75 to Tariff C.T.C. No. E. 4734, approved herein, are as follows:—

75C	From	Cents per Canadian Standard Barrel
	Fredericton, N.B.	25½
	Woodstock, N.B.	31½

HUGH GUTHRIE,
Chief Commissioner.

ORDER No. 58052

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.2

MONDAY, the 2nd day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Asst. Chief Commissioner.*

It is ordered:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 5 to Tariff C.T.C. No. E. 2924
Supplement No. 16 to Tariff C.T.C. No. E. 2925
Supplement No. 2 to Tariff C.T.C. No. E. 3069
Tariff C.T.C. No. E. 3109

HUGH GUTHRIE,
Chief Commissioner.

GENERAL ORDER No. 592

In the matter of Section 269 of the Railway Act for the carrying of pipes under the tracks of railway companies under the jurisdiction and subject to the control of the Board.

File No. 9473

THURSDAY, the 28th day of September, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Asst. Chief Commissioner.*

In pursuance of the powers vested in it under Sections 34 and 269 of the Railway Act, and of all other powers possessed by the Board in that behalf; and upon the report and recommendation of the Chief Engineer of the Board—

It is ordered:

1. That the conditions and specifications set forth in the schedule hereunto annexed, under the heading "Standard Regulations Regarding Pipe Crossings under Railways," be, and they are hereby, adopted and confirmed as the conditions and specifications applicable to the placing or maintaining of (a) sewer pipes, (b) water pipes, (c) pipes for manufactured gas, or (d) pipes for oil and natural gas under all railways subject to the jurisdiction of the Board.

2. That any Order of the Board granting leave to place or maintain any pipes under the railway and referring to "Standard Regulations Regarding Pipe Crossings under Railways," be deemed as intended to be a reference to the conditions and specifications set out in the said schedule.

3. That every Order of the Board granting leave to place or maintain any pipe or pipes across any railway subject to the jurisdiction of the Board be, unless otherwise expressed, deemed to be an Order for leave to place or maintain the same under and according to the said conditions and specifications, which conditions and specifications shall be considered as embodied in any such Order without specific reference thereto, subject, however, to such change or variation therein or thereto as shall be expressed in such Order.

4. That the General Orders of the Board numbered 74, dated 19th April, 1911; 75, dated 26th May, 1911; and 269, dated 7th August, 1919, in so far as it relates to pipe crossings, be, and they are hereby, rescinded.

H. GUTHRIE,
Chief Commissioner.

STANDARD REGULATIONS REGARDING PIPE CROSSINGS UNDER RAILWAYS

Approved by the General Order of the Board No. 592, dated September 28, 1939

SEWER PIPES

1. Sewers under railway tracks shall be constructed of hard brick laid in cement mortar, or standard glazed tile pipe, or such other material as may from time to time be prescribed by the Board. If standard glazed pipe is used, the joints must be properly fastened with cement mortar, and the pipe under every track and for a distance of four feet on the outer sides thereof must be imbedded in concrete four inches thick beneath and all around the said pipe. The top of the sewer (brick or pipe) shall, wherever possible, be below the frost line and not less than four feet below base of rail. Where this cannot be done without causing a sag in the sewer, precautions must be taken to strengthen and protect the sewer.

WATER PIPES

2. Every water pipe underneath a railway track shall be properly fastened at the joints; and the top of the pipe shall be below the frost line and not less than four feet below base of rail.

PIPES CARRYING NATURAL OR MANUFACTURED GAS AT PRESSURE NOT EXCEEDING 45 POUNDS PER SQUARE INCH

3. Every such pipe conveying natural or manufactured gas under a railway track shall be of standard gas pipe properly fastened at the joints, and shall be not less than four and one-half feet below base of rail.

THE FOLLOWING REGULATIONS COVER PIPES CARRYING OIL UNDER PRESSURE AND PIPES CARRYING NATURAL OR MANUFACTURED GAS UNDER PRESSURE EXCEEDING 45 POUNDS PER SQUARE INCH

4. The carrier pipe under the railway structure shall be of good construction (usually the same as on either side of the railway) of steel, wrought iron, cast iron, pure iron, or alloyed iron; and shall be either seamless or substantially welded pipe with welded, coupling, or other approved joints. The carrier pipe

shall be of a tested strength of double the maximum working pressure, with a minimum test pressure of 300 pounds per square inch. Pipe to be laid with slack (no tension) in the line.

5. Carrier pipes under railway track shall be encased in a larger steel casing pipe or conduit of sufficient strength to withstand all stresses and strains resulting from its location under the railway structure.

6. Casing pipe will extend to a minimum distance of thirty feet from the centre line of the nearest track on both sides. Where the pipe line crosses through or under an embankment, the outside casing shall extend to a point at least six feet outside of the toe of the embankment on either side.

7. Where ends of casing pipe are below ground, they shall be suitably sealed to the outside of carrier pipe and properly vented above ground with vent pipes not less than two inches in diameter and extending not less than four feet above ground surface. Vent pipes shall be placed approximately one foot from the ends of the casing pipe. Vent pipe at low end of casing shall be connected with the side or bottom of the casing, and vent pipe at the high end shall be connected with the top of casing. Top of vent pipes shall be fitted with down-turn elbow properly screened.

8. Where the ends of casing are at or above ground surface and above high-water level, they may be left open provided drainage is afforded in such a manner that leakage will be conducted away from the railway tracks or structures. Where proper drainage is not provided, the ends of the casing shall be sealed.

9. The inside diameter of the casing pipe shall be sufficiently large to permit ready withdrawal of carrier pipe without disturbing the roadbed. Casing pipe shall slope to one end and be installed with an even bearing throughout its length.

10. Casing pipe shall be so constructed as to prevent leakage under the railway structure, except through vent pipes, or at the ends of casing pipe, if open.

11. The casing pipe shall be so installed as to prevent the formation of a waterway under the railway.

12. The depth from base of rail of the railway to the top of the casing pipe at its closest point shall be not less than four and one-half feet. Where it is impossible to secure the above depth special construction will be necessary and subject to the approval of the Chief Engineer of the Transport Commission.

13. Pipe lines shall be located to cross railway tracks as close as practicable to ninety degrees, but not at an angle of less than forty-five degrees. Pipe lines shall not be laid closer than thirty feet to any portion of any railway bridge, building, or other important structures which might be injured by leakage from or failure of the pipe line.

14. Pipe lines, casing pipe, and vent pipes shall be at least four feet (vertically) from aerial electric wires, and shall be suitably insulated from underground conduits carrying electric wires on railway right of way.

15. All work in connection with the laying, maintaining, renewing, and repairing of the said pipe and the continued supervision of the same shall be performed by, and all costs and expenses thereby incurred be borne and paid by, the applicant; but no work at any time shall be done in such a manner as

to obstruct, delay, or in any way interfere with the operation of any of the trains or traffic of the railway company or other company using the said railway.

16. The applicant shall at all times maintain the said pipe in good working order and condition, and so that at no time shall any damage be caused to the property of the railway company, or any of its tracks be obstructed, or the usefulness or safety of the same for railway purposes be impaired, or the full use and enjoyment thereof as heretofore by the railway company or other company using the said railway, be in any way interfered with.

17. Before any work of laying, renewing, or repairing the said pipe is begun, the applicant shall give to the local superintendent of the railway company at least forty-eight hours' prior notice thereof in writing, so as to enable the railway company to appoint an inspector to see that the work is performed in such a manner as shall, in all respects, comply with these regulations. The wages of such inspector, which shall not exceed \$11 per day, to be paid by the applicant, such payment to cover both wages and expenses, except in the case of a municipal corporation desiring to lay a pipe under the railway on a highway which is senior to the railway. In such case the railway company shall pay its own inspector.

18. The applicant shall at all times wholly indemnify the company owning, operating, or using the railway from and against all loss, damage, injury, and expense to which the railway company may be put by reason of any damage or injury to persons or property caused by any of the said applicant's pipes, or by any oil, gas, or water, or any other substance being carried in the said pipes, or any works herein provided for by the terms and provisions of these regulations, as well as against any damage or injury resulting from the imprudence, neglect, or want of skill of the employees or agents of the applicant in connection with the laying, maintenance, renewal, or repair of the said pipe or the use thereof, unless the cause of such loss, cost, damage, injury, or expense can be traced elsewhere.

19. If any dispute arise between the applicant and the railway company as to the terms and conditions of these regulations, or as to the manner in which the said pipe line is being laid, maintained, renewed, or repaired; or if unusual circumstances appear to justify a moderation of these rules, the matter shall be referred to the Chief Engineer of the Board, whose decision shall be final and binding on all parties.

20. Pipes, materials and methods of fabrication shall conform to the regulations of The Canadian Engineering Standards Association.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT,
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,
AUGUST, 1939

Railway accidents140, with 19 killed and 148 injured
Railway accidents at highway crossings..... 15, with 6 killed and 28 injured

	Killed	Injured
Passengers	—	50
Employees	2	84
Others	23	42
Total . . . /	25	176

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents K. I. NOVA SCOTIA
1 3 5 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, N.S. 32-231.

QUEBEC

1 - 3 Automobile—Auto driver failed to heed watchman's warning; ran into side of train. Licence, Que. 96175.
1 1 - Pedestrian—Pedestrian struck by train.
1 - 1 Auto Bus—Auto bus ran into side of train. Licence, Que. 273-358.

ONTARIO

1 - 1 Pedestrian—Pedestrian disregarded bell and wigwag signals; walked into path of approaching train and was struck.
1 - 2 Automobile—Automobile ran into side of train. Licence, Ont. 33-T-44.
1 - 4 Automobile—Automobile struck push car loaded with rails. Licence, Ont. 51-V-28.
1 - 1 Automobile—Automobile ran into side of train. Licence, Ont. 6-L-837.
1 - 2 Truck and Trailer—Auto truck drove on to crossing in front of approaching train and was struck. Licences, Ont. 11851-C, Ont. 4912-C.
1 - 2 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 1-B-593.
1 1 - Automobile—Auto driver disregarded bell and wigwag signals; drove on to crossing in front of approaching train and was struck. Licence, Ont. 90-T-88.
1 - 2 Automobile—Auto drove on to crossing in front of approaching train and was struck. Licence, Ont. 189-V-7.

MANITOBA

1 - 3 Automobile—Automobile ran into side of train. Licence, Man. 40-767.

SASKATCHEWAN

1 1 1 Automobile—Automobile ran into side of train. Licence, Sask. 68-454.

ALBERTA

1 - 1 Pedestrian—Pedestrian passed around end of crossing gates, which were in lowered position, and was struck by engine.

Of the fifteen accidents at highway crossings, eleven occurred at unprotected crossings and four occurred at protected crossings. Thirteen of the accidents occurred after sunrise and two occurred after sunset.

September 25, 1939.

SUMMARY OF ORDERS ISSUED BY THE BOARD

57923. Sept. 1—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Temiscouata Railway under Section 9.
57924. Sept. 1—Authorizing Dept. of Public Works for British Columbia to divert portion of Spence's Bridge—Merritt Road, to eliminate two public crossings over C.P.R. (Kettle Valley Ry.), mileages 13.5 and 14, B.C.
57925. Sept. 11—Amending Order 52267 of Sept. 25/35, *re* speed restriction on portion of C.P.R. Co.'s Swift Current branch from Vanguard, Sask.
57926. Sept. 1—Declaring C.N.R. crossing east of Kensington, P.E.I., mileage 40.5, protected to Board's satisfaction.
57927. Sept. 1—Amending Order No. 57804, Aug. 3/39 authorizing the Dept. of Public Works of Nova Scotia to construct diversion of Lake Shore Road between stations 30÷16 and 49÷94, C.N. Rys. and diverting of Lamont Road.
57928. Sept. 1—Cancelling Licence No. C.T.C. (W.T.) 11 of May 23/39 issued to Foote Transit Co. under Order 57455 of May 17, 1939.
57929. Sept. 1—Approving less than standard clearance of Nipissing Central Ry. Co. at loading platform of Aldermac Copper Corporation Ltd., Aldermac, P.Q.
57930. Sept. 5—Declaring Dominion Atlantic Ry. crossing one mile west of Brickton Station, N.S., mileage 35.15, Kentville Sub. protected to Board's satisfaction.
57931. Sept. 5—Authorizing the Grand River Ry. Co. to open for carriage of traffic from mileage 2.90 to mileage 4.70, Preston, Ont.
57932. Sept. 2—Authorizing the C.P.R. to construct its tracks at grade across road allowance at mileage 41.03, Minnedosa Sub. Man., and to close existing crossing at mileage 41.55.
57933. Sept. 5—Authorizing the issuing of a Licence to Wings Limited for transportation between Winnipeg and Bissett, Man., and intermediate points.
57934. Sept. 5—Approving under Maritime Freight Rates Act tolls published in Supplement to tariffs of tolls filed by the C.N. Rys. under Section 3.
57935. Sept. 5—Authorizing the issuing of a Licence to Wings Ltd. for transportation between Winnipeg, Man., and Red Lake, Ont., and intermediate points.
57936. Sept. 5—Amending Order 57875 of Aug. 23, 1939, authorizing Dept. of Roads for Quebec to construct an overhead bridge over C.P.R. at Ste. Agathe, Que., mileage 44.27.
57937. Sept. 6—Declaring C.P.R. crossing first west of Burketon Station, Ont., mileage 54.41, Peterboro Sub. protected to Board's satisfaction.
57938. Sept. 12—Granting leave to G. C. Ransom, Agent, to amend certain tariffs of tolls of C.P.R., C.N. and T.H. & B. Rys. publishing water competition rates to Sault Ste. Marie on three days' notice.
57939. Sept. 6—Authorizing C.P.R. to close highway crossing known as 7th and 8th Avenue, Bassano, Alta., mileage 0.47 and 0.55, Irricana Subd'vn.
57940. Sept. 7—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
57941. Sept. 7—Approving under Maritime Freight Rates Act tolls published in tariff filed by the C.P.R. under Section 9.
57942. Sept. 7—Approving under Maritime Freight Rates Act tolls published in tariff filed by C.P.R. under Section 9.
57943. Sept. 7—Authorizing the Municipality of Petite Riviere, St. Francois Xavier, P.Q., to construct highway crossing over C.N.R. at Maillard, Que.
57944. Sept. 7—Declaring C.N.R. crossing of Sherbrooke St., Peterboro, Ont., protected to Board's satisfaction.
57945. Sept. 7—Authorizing the N.Y.C. and the C.N.R. to operate trains through interlocking plant at Cecile Jct., Que.
57946. Sept. 7—Declaring C.N.R. crossing east of North Electric station, Man., mileage 30.0, Harte Sub., protected to Board's satisfaction.
57947. Sept. 7—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Section 9.
57948. Sept. 8—Approving under Maritime Freight Rates Act tolls published in tariff filed by Dominion Atlantic Ry. under Section 9.
57949. Sept. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Temiscouata Railway under Section 9.
57950. Sept. 8—Approving under Maritime Freight Rates Act tolls published in tariff filed by Temiscouata Ry. under Section 9.
57951. Sept. 8—Approving under Maritime Freight Rates Act tolls published in tariff filed by Temiscouata Ry. under Section 9.
57952. Sept. 8—Declaring C.N.R. crossing of highway at Mile Post 1.6, Brooksby Sub., Sask., protected to Board's satisfaction.

- 57953. Sept. 8—Authorizing the C.N.R. to use and operate bridge at mileage 122·7, Gladstone Sub., Manitoba.
- 57954. Sept. 8—Authorizing the C.N.R. to construct siding track across north and south road allowances between S.E. $\frac{1}{4}$, Sec. 31 and S.E. $\frac{1}{4}$ of Sec. 32, Twp. 54, Range 27, W. 4 M. Calahoo, Alberta.
- 57955. Sept. 9—Approving less than standard clearance of buildings and structures located on C.P.R. branch line serving The Andrew Jergens Co. Ltd., Perth, Ont.
- 57956. Sept. 9—Dismissing complaint of Imperial Fuels of London, Ontario, against rate on bituminous coal, Port Stanley to London, Ont.
- 57957. Sept. 11—Authorizing the Dept. of Public Works of New Brunswick to reconstruct overhead bridge crossing the C.N.R. at Brookville, N.B., mileage 84·8, Sussex Sub.
- 57958. Sept. 11—Authorizing the Dept. of Public Works of New Brunswick to reconstruct overhead bridge crossing C.N.R. at Blair Siding, N.B., Parish of Rothesay, County Kings.
- 57959. Sept. 12—Granting leave to C.N. Rys. to remove station agent at Linwood Station, Ont., and substitute a caretaker therefor.
- 57960. Sept. 12—Granting extension of time to C.P.R. for construction and completion of branch line to serve Excelsior Products, Ltd., at Montreal, Que.
- 57961. Sept. 12—Amending Order 57336, dated April 27, 1939, authorizing the Dept. of Roads for Quebec to reconstruct existing subway under C.N. Rys. on Montee St. Laurent Road, Montreal, near Town of St. Laurent, P.Q.
- 57962. Sept. 14—Authorizing the Dept. of Highways and Transportation of Saskatchewan on behalf of the R.M. of Lumsden 189, to construct highway crossing over C.P.R. N.E. $\frac{1}{4}$, Sec. 14, Twp. 20, R. 21, W. 2.M.
- 57963. Sept. 13—Rescinding Orders 38570 of Dec. 17/26 and 42059 of Jan. 11/29 providing for switching movements over West Street crossing, Chatham, Ont., by C.P.R.
- 57964. Sept. 13—Approving location of portable station at Middleboro, Man., Canadian National Railways.
- 57965. Sept. 13—Declaring Nipissing Central crossing east of Kirkland Lake Station, Ont., mileage 6 $\frac{1}{2}$ Kirkland Lake Subdivision, protected to Board's satisfaction.
- 57966. Sept. 14—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Temiscouata Railway under Section 9.
- 57967. Sept. 15—Granting leave to Lake Freight Association as agent for certain interested carriers to advance rates published in its tariffs on less than statutory notice.
- 57968. Sept. 14—Amending Agreed Charge No. 2 between C.N. and C.P. Rys., C.P. Express and the Manitoba Co-Operative Poultry Marketing Ass'n &c., covering transportation of eggs L.C.L. from Manitoba and Saskatchewan points to Winnipeg to include Midwest Produce Co. and Sask. Co-Operative Creamery Ass'n Ltd.
- 57969. Sept. 15—Granting leave to G. C. Randon, Agent, on behalf of rail carriers and C.N. and C.P. Rys., and Lake Freight Ass'n on behalf of water carriers, to cancel certain tariffs on less than statutory notice.
- 57970. Sept. 15—Authorizing the Dept. of Public Works of Manitoba to construct Provincial Highway No. 1 over the C.P.R. and C.N.R. in Parish of Portage la Prairie, Man., mileage 57·38, Carberry Subdivision, C.P.R.
- 57971. Sept. 15—Authorizing the issuing of a Licence to Quebec Airways Ltd., for transportation between Seven Islands, Harrington Harbour, and intermediate points.
- 57972. Sept. 15—Approving by-law of Niagara, St. Catharines & Toronto Ry. Co., authorizing certain officers to prepare and issue tariffs of tolls.
- 57973. Sept. 15—Authorizing the C.P.R. to construct a branch line to serve the Provincial Gravel & Coal Co. Ltd., mileage 116, Keewatin Subdivision, Man.
- 57974. Sept. 16—Authorizing the construction of additional team tracks across Acqueduct, Versailles and other streets, Montreal, P.Q.
- 57975. Sept. 16—Exempting the C.P.R. from maintaining cattle guards at certain crossings on its Kingston Subdivision.
- 57976. Sept. 16—Exempting C.P.R. from maintaining cattle guards at certain crossings on its Belleville Subdivision.
- 57977. Sept. 16—Exempting C.P.R. from maintaining cattleguards at certain highway crossings on its Havelock Sub.
- 57978. Sept. 16—Authorizing the issuing of a Licence to Quebec Airways Ltd. for transportation between Matane, Seven Islands and intermediate points to Quebec.
- 57979. Sept. 16—Amending Order No. 57889, dated Aug. 24, 1939, authorizing the Dept. of Roads, Quebec, to eliminate a level crossing of C.P.R. on Cordon Road (Height's Road), St. Jerome, P.Q.

57980. Sept. 18—Refusing application of Dept. of Roads, Quebec, for a contribution out of Railway Grade Crossing Fund towards elimination of two level crossings of C.N.R. on Highway No. 5 between Richmond and Danville, Twp. of Shipton, etc.
57981. Sept. 18—Requiring the C.P.R. to change location of its station at Middle Lake, Sask.
57982. Sept. 18—Authorizing the C.N. Rys. to discontinue flag stops for trains 364 and 365, and remove station building at West Huntingdon, Ontario.
57983. Sept. 18—Authorizing the C.N.R. to remove station at Notre Dame de la Dore, St. Feleicien, Que., Roberval Subd'vn.
57984. Sept. 18—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the C.N. Rys. under Section 3.
57985. Sept. 18—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Temiscouata Ry. under Section 9.
57986. Sept. 18—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Ry. under Sec. 9.
57987. Sept. 18—Approving Bell Telephone Co.'s Supplement No. 1 to Service Station Contract with Uptergrove Telephone Co. Limited.
57988. Sept. 19—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian Freight Association under Section 9.
57989. Sept. 19—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian Freight Association under Section 9.
57990. Sept. 19—Authorizing the Niagara, St. Catharines & Toronto Ry. to operate across structure over the new super highway, Township Granthame, County of Lincoln, Ontario.
57991. Sept. 19—Authorizing the C.P.R. to construct branch line and two spurs therefrom to serve the Roche Percee Coal Mining Co. Limited, Roche Percee, Sask.
57992. Sept. 21—Authorizing the Rural Municipality of Lorne, Man., to close existing crossings over C.N. Rys. and to construct farm crossing over N.W. $\frac{1}{4}$ of Sec. 24, Tp. 5, R. 11 W.
57993. Sept. 20—Refusing application of Department of Roads for a contribution from Railway Grade Crossing Fund towards elimination C.P.R. level crossing on Highway No. 1 at Magog, Que.
57994. Sept. 21—Authorizing C.N. Rys. to install double bells and wigwags in lieu of gates at South Main St. crossing, Westville, N.S., Pictou Sub.
57995. Sept. 21—Authorizing C.N. Rys. to operate under overhead bridge on Central Avenue, Prince Albert, Sask.
57996. Sept. 21—Approving location gasoline storage tank of Jean Leblanc, Noranda, Que., Rouyn Sub., C.N. Rys.
57997. Sept. 21—Authorizing C.N. Rys. to construct vertical lift bridge across Lachine Canal east of Wellington St., Montreal, Que.
57998. Sept. 21—Approving Bell Telephone Co.'s service station contract with the Rydal Bank Plummer Telephone Co. Ltd.
57999. Sept. 22—Approving less than standard clearance of Oshawa Ry. Co. at entrance to building of General Motors of Canada, Ltd., Oshawa, Ont.
58000. Sept. 22—Authorizing the Algoma Central & Hudson Bay Ry. Co. to construct and operate two spur tracks to serve Chromium Mining & Smelting Corporation Ltd. across Huron Street, Sault Ste. Marie, Ont.
58001. Sept. 20—Dismissing application of Normetal Ry. Co. and the Normetal Mining Corporation, Ltd. *re* rates published in C.N.R. Tariff E. 2863 and E. 3015.
58002. Sept. 22—Permitting G. C. Ransom, Agent for carriers, to publish on one day's notice certain rates on Manganese Skimmings, etc., from Welland, Ont., to Buffalo, N.Y.
58003. Sept. 23—Declaring C.N.R. crossing of North Street, Orillia, Ont., protected to Board's satisfaction.
58004. Sept. 23—Declaring N.Y.C. crossing (M.C.R.) east of Yarmouth interlocker, Yarmouth, Ont., protected to Board's satisfaction.
58005. Sept. 23—Approving resolution of Ginger Coote Airways Ltd. authorizing certain officials to prepare and issue tolls in respect of aircraft, etc.
58006. Sept. 23—Approving C.N.R. location of station building at Komoka, Ontario.
58007. Sept. 23—Authorizing the Dept. of Public Works of Alberta to close C.P.R. crossing of road allowance, mileage 36.5, Ledue Sub.
58008. Sept. 25—Exempting the C.P.R. from maintaining cattle guards at certain crossings on the Kingston Sub.
58009. Sept. 25—Approving plan covering rearrangement of signals at C.N.R. crossing by N.Y.C. at Cecile Jct., Que.
58010. Sept. 25—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the C.N.R. under Section 3.

- 58011. Sept. 25—Authorizing C.N.R. to operate trains through interlocking plant at draw-bridge over Trent Canal.
- 58012. Sept 25—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Sec. 9.
- 58013. Sept. 26—Declaring C.P.R. crossing east of Capreol station, Ont., protected to Board's satisfaction.
- 58014. Sept. 27—Approving Bell Telephone's Co.'s service station contract with the Lake-field Rural Telephone Ass'n.
- 58015. Sept. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Sec. 9.
- 58016. Sept. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Sec. 9.
- 58017. Sept. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Sec. 9.
- 58018. Sept. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Sec. 9.
- 58019. Sept. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
- 58020. Sept. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
- 58021. Sept. 27—Directing C.N. Rys. to install bell and wigwag at C.N.R. crossing east of Belmont station, N.S., Springhill Subdivision.
- 58022. Sept. 27—Permitting C.N.R. to advance rates in Tariff C.T.C. No. 182 on less than statutory notice between Canada and British West Indies and other points.
- 58023. Sept. 27—Extending time for installation of protection at C.N.R. crossing of highway at Petite Riviere, Que.
- 58024. Sept. 27—Permitting N.Y.C. to remove siding and station building at Harrison, Ontario.
- 58025. Sept. 28—Declaring C.P.R. crossing south of St. John's station, Que., protected to Board's satisfaction.
- 58026. Sept. 28—Declaring C.N.R. crossing east of Lynden Station, Ont., protected to Board's satisfaction.
- 58027. Sept. 28—Declaring C.P.R. crossing (Primrose Crossing), Indian Head, Sask., protected to Board's satisfaction.
- 58028. Sept. 28—Declaring C.P.R. crossing west of Cloverleaf, Man., protected to Board's satisfaction.
- 58029. Sept. 28—Declaring C.P.R. crossing east of Boharn Station, Sask., protected to Board's satisfaction.
- 58030. Sept. 28—Authorizing the issuing of Licence to Starratt Airways & Transportation Ltd. for transportation between Hudson, Ont., and Lac du Bonnet, Man.
- 58031. Sept. 28—Authorizing the issuing of Licence to Starratt Airways & Transportation Ltd. for transportation between Hudson and Pickle Lake, Ont.
- 58032. Sept. 28—Declaring C.N.R. crossing east of Iroquois Station, protected to Board's satisfaction.
- 58033. Sept. 29—Approving C.N.R. location of station at Granby, Que.
- 58034. Sept. 29—Declaring C.P.R. crossing west of Valois Station, Que., protected to Board's satisfaction.
- 58035. Sept. 29—Declaring C.P.R. crossing of Norfolk St., Simcoe, Ontario, satisfactorily protected and appointing watchman.
- 58036. Sept. 30—Authorizing C.N.R. to cross certain streets in Winnipeg, Man., with spur for Crystal Ice Co. Ltd.
- 58037. Sept. 30—Authorizing C.N.R. to cross River Road, Ottawa, Ont., with spur for National Petroleum Co.
- 58038. Sept. 30—Declaring C.P.R. crossing south of Eady Station, Ont., protected to Board's satisfaction.
- 58039. Sept. 30—Declaring C.N.R. crossing west of Dalmeny Station, Sask., protected to Board's satisfaction.
- 58040. Sept. 30—Exempting C.P.R. from maintaining cattle guards at certain highway crossings on Winchester Subdivision.
- 58041. Sept. 30—Approving location of C.P.R. station building at Nixon, Ontario.
- 58042. Sept. 30—Authorizing C.N.R. to cross Sullivan Street, Port Mann, B.C., with main line track &c.
- 58043. Sept. 30—Amending Order 57973 of Sept. 15, 1939, *re* branch line of C.P.R. to serve Provincial Gravel & Coal Co. Limited.
- 58044. Sept. 30—Refusing application of Central Vermont Ry., to remove agent at Des Rivieres, Que.
- 58045. Sept. 30—Amending Order 55440, Jan. 8, 1938, approving clearances at ash plant at Fort Rouge, Man., C.N. Rys.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

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Consideration of the question of the protection to be provided at Main Street, Sussex, N.B., Mileage 45.48 Sussex Subdivision, Canadian National Railways.

(File 33229.74)

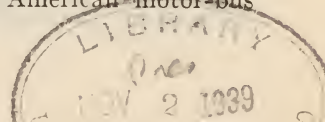
JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

This matter was brought to the attention of the Board in January last through letters received from the Town Clerk of Sussex, N.B., and also from the President of the Sussex Board of Trade, at which time a fatal accident occurred at the railway crossing upon Main Street. On 3rd April, a Division Engineer of the Board made an inspection of the crossing and in his report to the Board recommended the installation of three wig-wags, as well as the erection of a STOP sign at Park Street where it enters Main Street. He also recommended the removal of the gates at the Main Street Crossing, which are manually operated from 8.00 a.m. until 8.00 p.m., daily, except Sunday. As the Division Engineer's recommendation was not satisfactory, either to the Council or the Board of Trade of Sussex, the matter was set down for hearing and was heard by the Board at Sussex, on 6th September, 1939. At this hearing the town was represented by the Mayor of Sussex and other citizens. The Board of Trade was represented by the Honourable J. A. Murray, President; and the Canadian National Railways were represented by Mr. I. C. Rand, K.C., and one of the company's engineers.

Main Street is part of an important provincial highway running through the Province of New Brunswick and carries practically all the highway traffic between Saint John, Moncton, and other points in the province. Main Street is also the most important thoroughfare for local traffic in the Town of Sussex. It runs, generally, in a northerly and southerly direction through the town, and is crossed by the Canadian National Railway line which runs in an easterly and westerly direction through the town. The crossing in question is situated at a point where four streets converge. The crossing is the first railway crossing lying to the east of the railway station. For many years this crossing has been protected by manually operated gates from 8.00 a.m. until 8.00 p.m., daily, except Sunday, and also by a bell and a light installed near the tower where the gateman is located.

The fatal accident above mentioned occurred about 10.00 p.m., at a time when the gates were not in operation. In July last, what might have proved a very serious accident was narrowly averted, when an American motor-bus



carrying eighteen passengers passed over this crossing at 1.40 a.m., and was struck by an engine of the Canadian National Railways but, fortunately, none of the passengers were seriously injured. Members of the Board had an opportunity of viewing the crossing before hearing the application.

Upon behalf of the Town of Sussex, Mayor McLeod and others strongly advocated that the present protection at this crossing was insufficient. Honourable Mr. Murray, as President of the Board of Trade, strongly supported this position. They pointed out that all the accidents which had occurred at this crossing had been between the hours of 8.00 p.m. and 8.00 a.m., when the gates were not in operation. They asserted that the open gates without a watchman in attendance, between 8.00 p.m. and 8.00 a.m., constituted a menace rather than a protection at the crossing, and in this view counsel for the railway company agreed. It was stated that when the travelling public find the gates open they naturally conclude that the crossing is safe and free from approaching trains.

It would appear from a traffic count filed as Exhibit 1, on behalf of the Town of Sussex, that there is considerable highway traffic over this crossing between 8.00 p.m. and 8.00 a.m. Exhibit 1 shows the traffic on September 2nd, 1939, from 8.00 p.m. until 12.00 midnight, during which hours 1,330 motor-cars passed over the crossing. On Monday, September 4th, which happened to be a holiday, between the same hours, 740 motor-cars passed over the crossing, while the count on Tuesday, September 5th, for 12 hours, gives the number of motor-cars passing over the crossing as 692. In addition to the motor traffic, there is a heavy pedestrian traffic over the crossing for which no count was taken, and it is assumed that there would be the usual vehicular traffic as well. A statement of the train movements over the crossing was filed with the Board prior to the hearing of the application, but was not made an exhibit. This statement shows the train movements over the crossing for each month during the year 1938, and is as follows:—

STATEMENT SHOWING TRAINS PASSING SUSSEX DURING THE YEAR 1938

		Between 8 a.m. & 8 p.m. ex. Sunday	Between 8 p.m. & 8 a.m. ex. Sunday	Sundays
January	—Regular.. . . .	176	78	20
	Extra.. . . .	18	36	12
	Total.	194	114	32
February	—Regular.. . . .	134	72	16
	Extra.. . . .	29	23	10
	Total.	163	95	26
March	—Regular.. . . .	162	81	16
	Extra.. . . .	28	30	19
	Total.	190	111	35
April	—Regular.. . . .	157	78	16
	Extra.. . . .	15	20	4
	Total.	172	98	20
May	—Regular.. . . .	156	78	20
	Extra.. . . .	11	0	1
	Total.	167	78	21
June	—Regular.. . . .	156	78	12
	Extra.. . . .	7	1	2
	Total.	163	79	14
July	—Regular.. . . .	156	78	10
	Extra.. . . .	7	2	0
	Total.	163	80	10

STATEMENT SHOWING TRAINS PASSING SUSSEX DURING THE YEAR 1939.—*Con.*

		Between 8 a.m. & 8 p.m. ex. Sunday	Between 8 p.m. & 8 a.m. ex. Sunday	Sundays
August	—Regular.. . . .	162	81	8
	Extra.. . . .	1	1	0
	Total.	163	82	8
September	—Regular.. . . .	156	78	8
	Extra.. . . .	0	4	2
	Total.	156	82	10
October	—Regular.. . . .	156	78	14
	Extra.. . . .	0	0	2
	Total.	156	78	16
November	—Regular.. . . .	156	78	16
	Extra.. . . .	1	1	2
	Total.	157	79	18
December	—Regular.. . . .	162	81	16
	Extra.. . . .	21	19	13
	Total.	183	100	29

From the above figures it may fairly be said that the railway traffic over the crossing is only moderate, and it is all subject to a slow order of the Board whereby the speed of trains over the crossing is restricted to ten miles per hour.

The desire of the people of Sussex is to have the present gates maintained, and the hours at which they are operated extended for the whole period of 24 hours, or at least until midnight, each day. The railway company bore the whole cost of erection of these gates, and has since paid the whole cost of maintenance. The cost of maintenance of the present gates including watchman's wages is in the neighborhood of \$1,200 per annum, and to extend the hours of the watchman until 12.00 midnight would increase this cost by from \$400 to \$500 per year.

In my opinion, this crossing may well be termed a dangerous crossing and further protection of some kind should be ordered. During the hearing at Sussex, it was suggested by counsel for the railway company that if a bell and wig-wag were placed at the crossing to operate 24 hours daily, and the present gates were continued in operation between 8.00 a.m. and 8.00 p.m., as at present, with the addition of a reflector sign upon the gates to warn the public when the gates are not in operation, a satisfactory arrangement might be reached. Counsel for the railway company expressed the willingness of the company to participate in an arrangement of this kind, but the railway company was not prepared to bear the whole cost of such a change. Honourable Mr. Murray speaking for himself, personally, stated that he would be willing to try out such an arrangement as was suggested by counsel for the railway company. The mayor stated that he would discuss the proposal with the town council, particularly in regard to any contribution to be made towards the cost by the Town of Sussex. Upon this understanding the matter was allowed to stand over until the Board should receive further word from the town council. On 15th instant, a letter was received from the Town Clerk of Sussex in which it is stated that the mayor and council feel that the best and most satisfactory method of protecting the crossing would be by the extension of the present gate service until midnight and, furthermore, that the town council was not prepared to pay any part of any additional cost which might be involved.

It is quite evident from the traffic figures submitted to the Board, both in respect of railway and highway traffic, that the situation at Main Street crossing has been rendered more dangerous in recent years on account of

increased motor traffic upon the highways. This situation exists generally throughout Canada, where in recent years highways have been improved and motor traffic has been enormously increased. Honourable Mr. Murray stated:—

“A few years ago, before automobile traffic became so extensive, we had horse-drawn vehicular traffic, and the danger was not so great, but with cars rushing through the town and up and down the street at all hours of the twenty-four,—a great proportion of them strange to the town, and they naturally look for protection at that crossing,—it is a greater menace.”

While it is true that a large proportion of the motor traffic passing over Main Street crossing is in the nature of through traffic, there is also considerable local traffic passing over the crossing day and night. A number of streets converge at this point, and Main Street is the chief business thoroughfare of the municipality. This local traffic will certainly benefit by any additional protection which may be ordered and, in my opinion, the municipality should bear some portion of the cost.

It is clear, in my opinion, that additional protection is necessary at this crossing. I consider it a highly dangerous one, and additional protection should be ordered by the Board. The suggestion of counsel for the railway company that the present gates be maintained during the present hours, and that a bell and wig-wag be installed at the crossing to operate the full 24 hours of each day, is, I think, a reasonable one and effect should be given to it. There should also be reflector signs placed upon the gates to warn the public when the gates are not in operation. The ten mile per hour slow order over the crossing should be maintained, and a standard STOP sign should be erected at Park Street. The cost of the installation of the bell and wig-wag has been estimated at from \$1,500 to \$1,800. I would be prepared to recommend that 70 per cent of the cost of installing this bell and wig-wag be paid from Parliamentary Vote No. 585 of the Special Supplementary Estimates, 1939-1940; that fifteen per cent of the remainder of such cost should be paid by the Town of Sussex, and fifteen per cent by the railway company. The future maintenance of the bell and wig-wag, which is estimated at about \$250 per annum, should be borne equally by the railway company and the Town of Sussex. The location and erection of the bell and wig-wag shall be subject to the approval of the Chief Engineer of the Board.

If the above recommendation is approved by Privy Council, an Order will be drawn in the above terms.

September 25th, 1939.

The Assistant Chief Commissioner concurred.

ORDER No. 58094

In the matter of the accident on January 7th 1939, at the crossing of Main Street by the Canadian National Railways, being the first crossing east of Sussex Station, in the Province of New Brunswick, mileage 45.48 Sussex Subdivision; and the consideration of the question of the protection to be provided thereat:

File No. 33229.74

FRIDAY, the 13th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

UPON hearing the matter at the sittings of the Board held at Sussex, September 6th, 1939, in the presence of Counsel for the Railway Company,—

the Town of Sussex and the Sussex Board of Trade being represented at the hearing, and what was alleged—

It is ordered:

1. That, within ninety days from the date of this Order, the Canadian National Railways install an automatic bell and wigwag at the crossing of Main Street, in the Town of Sussex, Province of New Brunswick, mileage 45.48 Sussex Subdivision, in accordance with the Standard Specifications for Highway Crossing Signals approved under General Order No. 468, dated 12th March, 1929, as amended by General Orders Nos. 521 and 553, dated respectively 2nd November, 1933, and 26th March, 1936; a detail plan showing the layout thereof to be submitted for the approval of an Engineer of the Board.

2. That reflector signs be placed upon the gates at present installed at the said crossing, to warn the public when such gates are not in operation; and that a standard STOP sign be erected at Park Street.

3. That the speed restriction of ten miles an hour at the said crossing between 8.00 p.m. and 8.00 a.m. daily, except Sunday, and on Sunday for the full twenty-four hours, provided for under the Order of the Board No. 48891, dated 19th July, 1932, be maintained; and that the existing gates be operated as heretofore between the hours of 8.00 a.m. and 8.00 p.m. daily except Sunday.

4. That, with the approval of the Governor in Council by Order in Council P.C. 3033, dated 11th October, 1939, seventy per cent of the cost of installing the said bell and wigwag, not exceeding, however, the sum of \$1,260, be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 585, Special Supplementary Estimates 1939-40; and that fifteen per cent of the remainder of such cost be paid by the Town of Sussex and fifteen per cent by the Canadian National Railways.

5. That the cost of maintaining the said bell and wigwag be borne and paid equally by the Canadian National Railways and the Town of Sussex.

6. That authority be given for entry into an agreement between His Majesty, represented by the Minister of Transport, and the Canadian National Railways excepting the proposed payment from the operation of Section 5 of The Fair Wages and Hours of Labour Act, 1935.

H. GUTHRIE,
Chief Commissioner.

Application for approval of an agreed charge between the Canadian National Railways and the Canadian Pacific Railway and Imperial Oil Limited, and McColl Frontenac Oil Company Limited, covering transportation of petroleum products from Calgary, Alberta, to points in the Provinces of Alberta and Saskatchewan.

File No. 40994.4

JUDGMENT

F. NAPOLEAN GARCEAU, *Deputy Chief Commissioner.*

Application for approval of an agreed charge between the Canadian National Railways and Canadian Pacific Railway, and Imperial Oil Company Limited, and McColl Frontenac Oil Company Limited, covering transportation of petroleum products from Calgary, Alberta, to points in the provinces of Alberta and Saskatchewan, was made to the Board on July 11, 1939, and the provisions of the Board's General Order No. 581 complied with so far as concerns the Notice in the *Canada Gazette*, forwarding copies of the agreement to interested parties, etc. The Lion Oils Limited of Calgary filed a formal objection to the

approval of the agreed charge in question, and the matter was heard at a sitting of the Board in Calgary October 2, in the presence of counsel and representatives of Lion Oils Limited and the railway companies, also Mr. R. T. Graham, K.C., representing the province of Saskatchewan.

The objectives sought by the applicants in establishing this agreed charge cannot, they allege, be attained by the publication of a special or competitive tariff by the railways because such a tariff would give no adequate assurance that the traffic would move by rail and would permit other persons to obtain the benefit of the lower rate without any obligation to ship their products by rail such as is provided for by the agreement. The railways assert that there has been a considerable diversion of carriage of petroleum products from the railways at Calgary to trucking operations and that it is necessary to establish the rates covered by the agreement in order to secure to them a considerable portion of the traffic that has been lost to trucks, and also avoid the further diversion of carriage of petroleum products from the railways. The agreed charge applies from Calgary to points within a radius of 270 miles thereof, and is, as stated, to meet truck competition.

Counsel for the Lion Oils Limited stated that that company could not become a party to the agreed charge as it could not undertake to move all its traffic by rail, as the oil companies parties to the agreement have undertaken to do, because it has not tank stations established at the various points on the railways. This company's situation in that respect is much the same as that of the Good Rich Oil Company Limited, who objected to approval by the Board of an agreed charge between the railways and oil companies for carriage of petroleum products between points in Ontario. (See Board's judgment dated August 21, 1939, and Order No. 57859 of same date approving said agreed charge for a period of one year from September 1, 1939.)

While it was also alleged that approval of the agreed charge here in question would unjustly discriminate against the Lion Oils Limited, and that it is not in the best interests of the public, the arguments advanced in support thereof were not convincing. I have carefully considered all that was submitted on behalf of Lion Oils Limited and have come to the conclusion that the approval of the agreed charge as submitted by the applicants will not in any way result in unjust discrimination against this company, nor be against the public interest. Consequently, I am unable to find any serious ground for objection to the proposed agreed charge, and in my opinion the Board should approve it in the terms submitted, and the same should be made effective as soon as possible under the provisions of The Transport Act, 1938.

There are on file applications from the North Star Oil Limited and the Alberta Highway Refiners Limited requesting that they be made a party to this agreed charge and stating that they are agreeable to the terms and conditions thereof. The railways state they have no objection to the Board fixing the same agreed charge to these companies under the provisions of Subsection 6 of Section 35 of The Transport Act, subject to the same terms and conditions. The order to issue approving this agreed charge should therefore also fix the same charge and the same terms and conditions for the carriage of petroleum products from Calgary for the North Star Oil Limited and the Alberta Highway Refiners Limited.

Dated at Calgary, Alta., this 3rd day of October, 1939.

Commissioners Stoneman and Stone concurred.

ORDER No. 58069

In the matter of Application No. 4, under the provisions of the Transport Act, 1938, for approval of an agreement between the Canadian National Railways, the Canadian Pacific Railway Company and Imperial Oil Limited, McColl-Frontenac Oil Company, Limited, regarding Agreed Charges on petroleum products from Calgary, Alberta, to points in the Provinces of Alberta and Saskatchewan: File No. 40994.4

FRIDAY, the 6th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon its appearing that the regulations prescribed by the General Order of the Board No. 581, dated January 21st, 1939, have been complied with;

And upon hearing objections made by the Lion Oils Limited, of Calgary, Alberta, at sittings of the Board held at Calgary, October 2nd, 1939, in the presence of Counsel for the Lion Oils Limited, the Canadian National Railways, Canadian Pacific Railway Company. and the Government of the Province of Saskatchewan—

It is ordered:

1. That the said agreement be, and it is hereby, approved, the same to be effective until the 31st day of March, 1940.

2. That the agreed charges herein approved be, and they are hereby, fixed for the carriage of petroleum products from Calgary, Alberta, for the North Star Oil Limited and the Alberta Hi-Way Refineries Limited, subject to and upon the terms and conditions contained in the said agreement between the Canadian National Railways, the Canadian Pacific Railway Company and Imperial Oil Limited, McColl-Frontenac Oil Company, Limited, on file with the Board under file No. 40994.4.

H. GUTHRIE,
Chief Commissioner.

Application of Canada Steamship Lines for a Licence under Section 5(1) of The Transport Act, 1938, in respect of the Steamer Glenross.

File (42076.4.3)

JUDGMENT

GUTHRIE, CHIEF COMMISSIONER:

The applicant seeks a licence to transport goods by water within the area of the Great Lakes, as defined in Section 2(1)(f) of The Transport Act, 1938, by the steamer *Glenross*, official registry number 148134, port of registry Midland, Ontario, which vessel was built at Newcastle, England, in the year 1925. Due to alterations in construction, the actual gross tonnage is not yet known, but it is believed it will approximate 2,270 tons when remeasured. The application was launched under Section 5, Subsection 1, of The Transport Act, 1938, thereby necessitating that the Board determine whether public convenience and necessity require such transport. In such determination, the Board is empowered to take into consideration, *inter alia*,—

(a) any objection to the application which may be made by any person or persons who are already providing transport facilities, whether by rail, water or air, on the routes or between the places which the applicant intends to serve on the ground that suitable facilities are or, if the licence were issued, would be in excess of requirements, or on

the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;

- (b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;
- (c) the general effect on other transport services and any public interest which may be affected by the issue of such licence;
- (d) the quality and permanence of the service to be offered by the applicant and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance.

Anticipating these requirements, the applicant submitted that:

- (1) the companies and individuals presently operating vessels within the area in which the vessel would operate are the licensees now subject to the Board's jurisdiction under licence granted pursuant to The Transport Act;
- (2) the vessel is one of its fleet and was previously a single-deck bulk freighter but is now in the course of conversion into a 'tween-deck ship, and is to be operated to supplement the existing package freight service now conducted by the applicant, and involves the establishment of no new service;
- (3) the quality and permanence of service to be offered, evidence of financial responsibility, and protection by insurance, have been submitted to and are of record with the Board.

As a pre-requisite to the consideration of the application, the Board directed that every holder of a licence to transport goods within the area of the Great Lakes, the principal railways and the Canadian Freight Association, be notified of the pendency of the application and the facts relied upon by the applicant. The letter dated September 7, 1939, was addressed to all concerned, who were invited to make any relevant submissions and to furnish them to the Board not later than September 25, 1939. No objections to the granting of the licence have been received. Therefore, it is clear that no opposition exists to the issuance of the licence from those already providing transport facilities on the route or between the places intended to be served by the applicant with the vessel in question.

In giving consideration to the question of public convenience and necessity, there is a paucity of evidence upon which the Board might rely, but I am of opinion that the desire of the applicant to utilize a vessel of its existing fleet to augment its service now under licence, and where there is no question involved as to the acquisition or construction of a new vessel, renders unnecessary complete evidence of public convenience and necessity.

At the present time, the applicant operates a total of 53 vessels under licences issued pursuant to the provisions of Section 10 of The Transport Act, having a combined gross tonnage of 140,617 tons. Of these vessels, nine are licensed to transport both goods and passengers, having a total gross tonnage of 44,490 tons. The remaining 44 vessels have a total gross tonnage of 96,127 tons and are licensed to transport only goods. It is not of record the number or gross tonnage of vessels operated by applicant without licence for the conveyance of goods in bulk, which are exempt from the provisions of The Transport Act.

It has been represented also that this steamer is proposed to be put into service for the carriage of traffic between Sarnia and Port Arthur, Ontario, as an integral part of the rail-lake-and-rail service between eastern and western Canada operated in conjunction with the Canadian National Railways' lake-and-rail route. The withdrawal from service of the steamer *Noronic*, a large passenger-carrying vessel owned by the applicant, necessitates the substitution of a purely freight boat and, until such time as the steamer *Glenross* is licensed,

the lake-and-rail service referred to must be maintained by the substitution of a vessel from the "all-water" package freight service of the applicant, and it is represented that such an arrangement would be detrimental to the public interest.

There is satisfactory evidence in the Board's records as to the quality and permanence of the proposed service, the financial responsibility of the applicant and the provision for insurance protection. In view of the foregoing and in the absence of any objection from any other established transport services, I am of opinion that it is in the public interest to approve the application.

October 16, 1939.

The Assistant Chief Commissioner concurred.

ORDER No. 58116

In the matter of the application of the Canada Steamship Lines Limited, herein-after called the "Applicant," under Section 5 (1) and Section 10 of The Transport Act, 1938, for a licence to transport goods by water within the proclaimed area of the Great Lakes:

File No. 42076.4.3

WEDNESDAY, the 18th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

Pursuant to Judgment, dated October 16, 1939—

The Board orders:

1. That the undermentioned ship, owned by the Applicant—

Vessel Name	Official Registry No.	Gross Tonnage
<i>Glenross</i>	148134	2357

be, and it is hereby licensed to transport goods between ports and places within Canada, in the area of the Great Lakes, as defined in Section 2 (1) (f) of The Transport Act, 1938.

2. That Licence No. C.T.C. (W.T.) 27 be issued for a period of one year from January 15, 1939.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58075

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.2

TUESDAY, the 10th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Asst. Chief Commissioner.*

It is ordered that the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 19 to Tariff C.T.C. No. E. 1671
" " 24 " " " E. 2474
" " 6 " " " E. 2769

Tariff C.T.C. No. E. 3117

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58077

In the matter of the application of Canadian Airways Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 22 and Standard Goods Tariff C.T.C. No. 23, on file with the Board:

File No. 42017.3

TUESDAY, the 10th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Asst. Chief Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 22 and Standard Goods Tariff C.T.C. No. 23 of the Canadian Airways Limited, on file with the Board under file No. 42017.3, be, and they are hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58081

In the matter of the application of the Canadian National Railways, herein-after called the "Applicants", for permission to amend their tariff C.T.C. No. E. 1715 on less than statutory notice, to correct a clerical error:

File No. 27612.208

WEDNESDAY, the 11th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Asst. Chief Commissioner.*

Whereas, through a clerical error, item No. 1497 of Applicants' Supplement 91 to Tariff C.T.C. No. E. 1715 publishes a proportional rate of 7c per 100 pounds on newsprint paper from Grand'Mere, Quebec, to Ottawa, Ontario, "applicable only for use in arriving at through rate to Atlanta, Ga.," which item should have provided that the rate was "applicable only on shipments for furtherance via Canadian National Railways when destined to Atlanta, Ga.," and the Applicants desire to make the correction on less than statutory notice—

It is ordered: That the Applicants be, and they are hereby, granted permission to publish upon three days' notice a supplement to the aforesaid tariff, to correct the said error.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58082

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.12

WEDNESDAY, the 11th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Asst. Chief Commissioner.*

The Board orders:

1. That the toll published in item 2560 of Supplement No. 9 to Tariff C.T.C. No. E. 4790, filed by the Canadian Pacific Railway Company under

Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said item 2560 of Supplement No. 9 to Tariff C.T.C. No. E. 4790, approved herein, is 189 cents per one hundred pounds, less one and one-half cents per one hundred pounds account of water haul.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58083

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.12

WEDNESDAY, the 11th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Asst. Chief Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 55 to Tariff C.T.C. No. E.4322, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 55 to Tariff C.T.C. No. E.4322, approved herein, are the normal rates to Essa, Ontario, in effect prior to July 1st, 1927, in Tariff C.T.C. No. E. 4203, and to Camp Borden, Ontario, in Temiscouata Railway Tariff C.T.C. No. 531.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58087

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.12

THURSDAY, the 12th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders:

1. That the tolls published in columns "C" and "E" (CL) of 6th revised page 19, column "Q" of 10th revised page 20, item 150 of 6th revised page 22, and 10th revised page 39 to Tariff C.T.C. No. E.4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried

under the said columns "C" and "E" (CL) of 6th revised page 19, column "Q" of 10th revised page 20, item 150 of 6th revised page 22, and 10th revised page 39 to Tariff C.T.C. No. E.4757, approved herein, are as follows:—

Miles	Cents per 100 pounds		
	"C"	Columns "E" (CL)	"Q"
5..	4 $\frac{1}{2}$	4 $\frac{1}{2}$	4 $\frac{1}{2}$
10..	4 $\frac{1}{2}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$
15..	5	5	6 $\frac{1}{2}$
20..	5	6	7
25..	5 $\frac{1}{2}$	7	7 $\frac{1}{2}$
30..	5 $\frac{1}{2}$	7 $\frac{1}{2}$	9 $\frac{1}{2}$
35..	6	8	9 $\frac{1}{2}$
40..	6	9	10
45..	6	9	10
50..	6	9 $\frac{1}{2}$	10 $\frac{1}{2}$
55..	7 $\frac{1}{2}$	10	11
60..	7 $\frac{1}{2}$	10	12 $\frac{1}{2}$
65..	8	10 $\frac{1}{2}$	12 $\frac{1}{2}$
70..	8	12 $\frac{1}{2}$	14 $\frac{1}{2}$
75..	8	12 $\frac{1}{2}$	14 $\frac{1}{2}$
80..	10	13	15 $\frac{1}{2}$
85..	10	13	15 $\frac{1}{2}$
90..	10	14 $\frac{1}{2}$	17
95..	10 $\frac{1}{2}$	15	18
100..	10 $\frac{1}{2}$	15	18
110..	12 $\frac{1}{2}$	16 $\frac{1}{2}$	19 $\frac{1}{2}$
120..	12 $\frac{1}{2}$	16 $\frac{1}{2}$	19 $\frac{1}{2}$
125..	12 $\frac{1}{2}$	16 $\frac{1}{2}$	19 $\frac{1}{2}$
130..	13 $\frac{1}{2}$	16 $\frac{1}{2}$	19 $\frac{1}{2}$
140..	13 $\frac{1}{2}$	18	20 $\frac{1}{2}$
150..	13 $\frac{1}{2}$	18	20 $\frac{1}{2}$
160..	15 $\frac{1}{2}$	20	22 $\frac{1}{2}$
170..	15 $\frac{1}{2}$	20	22 $\frac{1}{2}$
175..	15 $\frac{1}{2}$	21 $\frac{1}{2}$	24 $\frac{1}{2}$
180..	15 $\frac{1}{2}$	21 $\frac{1}{2}$	24 $\frac{1}{2}$
190..	15 $\frac{1}{2}$	21 $\frac{1}{2}$	24 $\frac{1}{2}$
200..	15 $\frac{1}{2}$	21 $\frac{1}{2}$	25
210..	18	21 $\frac{1}{2}$	25
220..	18	21 $\frac{1}{2}$	25
225..	18	22 $\frac{1}{2}$	26 $\frac{1}{2}$
230..	18	22 $\frac{1}{2}$	26 $\frac{1}{2}$
235..	18	22 $\frac{1}{2}$	26 $\frac{1}{2}$
240..	18	22 $\frac{1}{2}$	26 $\frac{1}{2}$
250..	18	22 $\frac{1}{2}$	26 $\frac{1}{2}$
260..	19 $\frac{1}{2}$	23	27
270..	19 $\frac{1}{2}$	23	27
275..	19 $\frac{1}{2}$	23	27
280..	19 $\frac{1}{2}$	23	27
290..	19 $\frac{1}{2}$	24	29
300..	19 $\frac{1}{2}$	24	29

Item

150 2nd class rates covered by previous Order or Orders

660 To

Cents per 100 pounds

Abercorn, Que.	25
Berthierville, Que.	24 $\frac{1}{2}$
Cap de la Madeleine, Que.	26
Drummondville, Que.	26
Farnham, Que.	25
Grandes Piles, Que.	24 $\frac{1}{2}$
Grand'Mere, Que.	26
Levis, Que.	27
Malvina, Que.	26
Montreal, Que.	25
Quebec, Que.	27
St. Gabriel, Que.	24 $\frac{1}{2}$
St. Guillaume, Que.	25
St. Johns, Que.	25
Ste. Rosalie, Que.	25
Stanbridge, Que.	25
Trois Rivières, Que.	26
Waterloo, Que.	25
Windsor Mills, Que.	26
665	14 $\frac{1}{2}$

666	To	Cents per 100 pounds
	Edmundston, N.B.	19
	Woodstock, N.B.	14
667	. . . . .	10

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58103

In the matter of the application of Northwest Airlines, Inc., under Section 18 of The Transport Act, 1938, for approval of a resolution adopted by the Board of Directors on October 10, 1939, authorizing the Secretary and Treasurer of the Corporation to prepare and issue both passenger and goods tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Corporation, and to submit the same to and file the same with the Board:

File No. 42057.17

MONDAY, the 16th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of Northwest Airlines, Inc., adopted October 10, 1939, authorizing the Secretary and Treasurer of the Corporation to prepare and issue both passenger and goods tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Corporation, and to submit the same to and file the same with the Board, such resolution being on file with the Board under file No. 42057.17, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58107

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.2

MONDAY, the 16th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of Subsection 3 of the said Section 3, namely:—

Supplement 52 to Tariff C.T.C. No. E.1689.

Supplement 36 to Tariff C.T.C. No. E.2526.

Supplement 23 to Tariff C.T.C. No. E.2629.

Supplement 1 to Tariff C.T.C. No. E.3068.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58108

In the matter of the application of the Canadian Pacific Railway Company and the Canadian National Railways, hereinafter called the "Applicants," for permission to cancel on less than statutory notice tariffs on grapes, carloads, from Nelson and Vancouver, B.C., to stations in Alberta:

File No. 27612.209

MONDAY, the 16th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicants filed with the Board, effective October 13, 1939, and expiring with November 30, 1939, Canadian Pacific Railway Tariff C.T.C. No. W-3689 and Canadian National Railways Tariff C.T.C. No. W-1531, providing competitive proportional rates on grapes, carloads, originating in California, from Nelson and Vancouver, B.C., to certain stations in Alberta, pending publication of through rates between the same points by the Pacific Freight Tariff Bureau;

And whereas by authority of the Interstate Commerce Commission Supplement 38 to Pacific Freight Tariff Bureau Tariff C.T.C. No. 132, effective October 18, 1939, has been filed providing through rates on grapes, carloads, from California to destinations in Alberta—

It is therefore ordered: That the Applicants be, and they are hereby, permitted to cancel the said Tariffs C.T.C. No. W-3689 and C.T.C. No. W-1531, effective October 18, 1939.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58110

In the matter of the application of Canadian Colonial Airways, Inc., hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between New York, N.Y., Burlington, Vt., Montreal, Quebec:

File No. 42007.13.1

MONDAY, the 16th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 HUGH WARDROPE, *Assistant Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

New York City (Newark Airport, Newark, N.J.); Burlington, Vermont;
 Montreal, Province of Quebec;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 2004, dated July 27, 1939, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a daily service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 52 be issued for the period of one year from October 17, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58113

In the matter of the application of Canadian Colonial Airways, Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Montreal, P.Q., and New York City, N.Y.:

File No. 42007.13

TUESDAY, the 17th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Montreal, Province of Quebec; New York City (Newark Airport, Newark, N.J.),—

which points and places are specifically named by the Governor in Council under Order in Council P.C. 2004, dated July 27, 1939, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a daily service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 51 be issued for the period of one year from October 17, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58119

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.13

THURSDAY, the 19th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1115, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act,

be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1115, approved herein, are as follows:—

Cents per 100 pounds

Via Digby, N.S.

The normal rates will be those prescribed under Order No. 55038, dated October 16th, 1937, less one and one-half cents per 100 pounds account of water haul.

Via Truro, N.S.

The Dominion Atlantic Railway Company's proportions to be reported as shown below:—

From	To Grand Mere, Que. Shawinigan Falls, Que.. Sherbrooke, Que.		To Montreal, Que. Drummondville, Que.		To Quebec, Que.	
	Billed	Normal	Billed	Normal	Billed	Normal
Windsor, N.S.	18	..	18
Falmouth, N.S.	18	..	18
Hantsport, N.S.	19½	..	19
Avonport, N.S.	19½	..	19½
Horton Landing, N.S.	19½	..	19½
Grand Pre, N.S.	19½	..	19½
Wolfville, N.S.	19½	..	19½
Port Williams, N.S.	19½	..	19½
Kentville, N.S.	19½	..	19½
Mill Village, N.S.	20	..	..	..	..
Centreville, N.S.
Sheffield Mills, N.S.
Hillaton, N.S.
Canning, N.S.
Kingsport, N.S.
Billtown, N.S.
Lakeville, N.S.
Woodville, N.S.
Grafton, N.S.	20	..	20
Somerset, N.S.	16	19½	..	..	16	..
Weston, N.S.	19½	..	..	..	..
Coldbrook, N.S.	16	..	..	..
Cambridge, N.S.
Waterville, N.S.
Berwick, N.S.
Aylesford, N.S.
Auburn, N.S.
Kingston, N.S.
Wilmot, N.S.	20	..	..	..	..
Middleton, N.S.
Brickton, N.S.	19½
Lawrencetown, N.S.	19½
Paradise, N.S.	19½	..	19½
Bridgetown, N.S.	20
Tupperville, N.S.	19½
Roundhill, N.S.	19½
Annapolis, N.S.	19½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58129

In the matter of the application of the New York Central Railroad Company, hereinafter called the "Applicant," for permission to amend its tariff C.T.C.-N.Y.C. No. 3594 on less than statutory notice to correct an error:

File No. 27612.210

FRIDAY, the 20th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Whereas through clerical error Supplement No. 44 is omitted from the list of effective supplements shown on the title page of Supplement No. 47 to the Applicant Company's tariff C.T.C.-N.Y.C. No. 3594, effective October 30, 1939—

It is ordered: That the applicant be, and it is hereby, permitted to amend the title page of Supplement 47 to its Tariff C.T.C.-N.Y.C. No. 3594, effective October 30, 1939, on one day's notice to correct the said error.

H. GUTHRIE,

Chief Commissioner.

NOTICES, ORDERS IN COUNCIL, ETC.

The following Orders in Council are reproduced for the information of all concerned:—

P.C. 2989

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of October, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council, P.C. 953, dated the 26th of April, 1939, the following points and places, designated for identification purposes by the route numbers shown, were named on the recommendation of the Board of Transport Commissioners for Canada, pursuant to the provisions of Section 15 (1) (b) of The Transport Act, 1938, for the purpose of making Part III of the said Act applicable to transport by air by means of reasonably regular air transport services between the said points and places;

<i>Route No.</i>	<i>Points and Places</i>
C. 11	Roberval, St. Felicien, Nikabau Lake, Whitefish Lake, Lac Cache, Lake Gwillim, Mistassini Post, Lake Bourdeau, Lac aux Dores, Lake Chibougamau, in the Province of Quebec;
C. 12	Senneterre, Kiask Falls, Florence River, Rose Lake, Cameron Lake, Lake Puskitamika, Lake Waswanipi, the the Province of Quebec;
C. 13	Senneterre, Lac Simon, Lac Victoria, Lac Barriere, Lac Denain, Lac Matchi-Manitou, Lac Vauquelin, in the Province of Quebec;

And whereas under date the 16th of August, 1939, the Board of Transport Commissioners has recommended that Order in Council, P.C. 953, dated the 26th of April, 1939, be rescinded in so far as it concerns the foregoing points and places designated as Routes Nos. C. 11, C. 12 and C. 13, respectively, inasmuch as applications for licences under the provisions of Section 15 (1) (b) of The Transport Act, 1938, in respect of such points and places have been withdrawn;

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to rescind Order in Council P.C. 953, dated the 26th of April, 1939, in so far as it relates to the said points and places, designated as Routes Nos. C. 11, C. 12 and C. 13, respectively, and it is hereby rescinded accordingly.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

P.C. 3212

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTWA

THURSDAY, the 19th day of October, 1939.

PRESENT:

THE DEPUTY OF

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas Subsection 1 (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas the Minister of Transport reports that, under date of October 4, 1939, The Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, 1938, may fittingly be applied to the air services between the undermentioned points and places, designated for identification purposes by the route number shown, and recommends that such points and places be named by the Governor in Council under the provisions of Section 15 (1) (b) of the said Act, as follows:—

*Route No.**Points and Places*

C. 53 Matane, Baie Comeau, Godbout, Trinity Bay, Shelter Bay, in the Province of Quebec;

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of Subsection 1 (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above-named points and places as recommended by The Board of Transport Commissioners for Canada.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

OTTAWA, NOVEMBER 15, 1939

No. 17

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the King's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the King's Printer, Ottawa.

Applications of Canadian Freight Association and Lake Freight Association for disallowance of Colonial Steamships Limited Tariff C.T.C. No. 3, McKellar Steamships Limited Tariff C.T.C. No. 3, and Sarnia Steamships Limited Tariff C.T.C. No. 4, which publish a rate of 25 cents per 100 pounds on Canned Goods from Amherstburg, Cobourg, Goderich, Hamilton, Kingsville, Leamington, Port Hope, Sarnia, Thorold and Windsor to Fort William and Port Arthur, Ont.

File No. 42336.

JUDGMENT

BY THE BOARD:

The application of the Canadian Freight Association, dated September 25, 1939, reads as follows:—

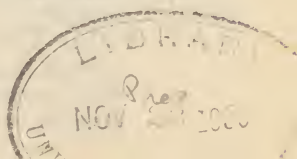
"The Canadian Freight Association, acting for and in behalf of the railway companies which are members thereof, respectfully directs the attention of the Board to the following enumerated tariffs:

Colonial Steamships Limited C.T.C. No. 3,
McKellar Steamships Limited C.T.C. No. 3,
Sarnia Steamships Limited C.T.C. No. 4.

These tariffs respectively provide for a rate of 25 cents per 100 pounds on canned and preserved foods direct by water from various ports on the Great Lakes in the territory from Cobourg to Goderich, inclusive, to the Head-of-the-Lakes.

These tariffs have disrupted, and unless disallowed will continue to disrupt, the established relationship between all-rail rates, lake-and-rail rates and all-water rates between the points specified.

The normal basis on canned goods, carloads, is 5th-class, and the 5th-class all-rail basing arbitrary from the Ontario points involved to the Head-of-the-Lakes is 57 cents per 100 pounds, as included in the present through class rates from Eastern Canada to Western Canada, published in Canadian Freight Association Tariff No. 4-F, C.T.C. No. 1164. The normal lake-and-rail basis is 51 cents per 100 pounds, as included in the same tariff. The generally recognized "all-water" 5th-class basis is 48 cents per 100 pounds.



However, having regard to the volume of the movement of this traffic, and taking into consideration water transportation, it was temporarily agreed between the railways, the steamship lines and shippers, some time prior to the steamship lines coming under regulation by the Board, that, in order to stabilize the situation, the basis for canned goods would be $38\frac{1}{2}$ cents per 100 pounds via both the lake-and-rail and the all-water routes, which basis was applied in a blanket manner from all canning factory points, whether on the water or inland. These rates are exemplified in the following tariffs:

On canned milk—C.F.A. Tariff No. X-984, C.T.C. No. 1192, which publishes a rate of $38\frac{1}{2}$ cents rail-and-water.

On canned goods generally (except canned milk)—C.F.A. Tariff No. X-969, C.T.C. No. 1176, publishes rate of $38\frac{1}{2}$ cents per 100 pounds via rail-and-water.

The rate of 25 cents per 100 pounds published in the tariffs mentioned applying from water ports only, disrupts the entire rate relationship, including the all-rail and the lake-and-rail basis, and takes the ports out of the general grouping, thus creating a preference at these ports, as compared with the all-rail and rail-and-lake rates, and is thus opposed to the spirit of The Transport Act.

For these reasons, and as no necessity appears to exist, either for such a low rate or for disrupting the long-established relationships between the various kinds of rates from Eastern Canada to Western Canada, it is respectfully requested that the Board disallow these tariffs under the provisions of Section 26 of The Transport Act.

A copy of this letter is being sent to Mr. J. N. McWatters, Assistant Secretary, Colonial Steamships Limited, McKellar Steamships Limited, Sarnia Steamships, Fort Colborne, Ont."

Application of same date from the Lake Freight Association sets out that:

"The Lake Freight Association of Montreal, Canada, hereby applies to the Board under Sections 24 and 29 of The Transport Act, 1938, for an Order disallowing Colonial Steamships Ltd. Tariff, C.T.C. No. 3, McKellar Steamships Ltd. Tariff, C.T.C. No. 3, and Sarnia Steamships Tariff, C.T.C. No. 4, and states—

(1) That the above tariffs provide for a rate on canned goods, by water, from Lake Ontario ports, Goderich and Windsor, to Fort William, Ont., of 25 cents per 100 pounds.

(2) That the comparable rate published by the members of this Association is $38\frac{1}{2}$ cents per 100 pounds, as published in Canada Steamship Lines Tariff, C.T.C. No. 72, and Northwest Steamships Ltd., C.T.C. No. 6.

(3) That the said rate of $38\frac{1}{2}$ cents, which is also maintained under a temporary agreement by the rail lines for their rail-and-water services, has been in force for some time and was the outcome of negotiations between members of this Association, the rail lines and the shippers over a period of years.

(4) The said $38\frac{1}{2}$ cent rate, both as applied by the members of this Association via the all-water route and by the rail lines via the rail-and-water route is a blanket rate applying from all canning factory points whether on water or on land, thus placing all shippers on an equal footing.

(5) That the rate complained of has disrupted, and if permitted to remain in force will further disrupt the rate relationship thus established with undesirable effects both on the revenues of the carriers and the stability of the market."

Copies of the applications were forwarded to the Colonial Steamships Limited, McKellar Steamships Limited, and Sarnia Steamships Limited, hereinafter referred to as the "respondents." The Board also requested that they file their complete submissions in reply thereto. Under date of September 29, the respondents filed their submission, which is quoted below:

"In the matter of the application of the Lake Freight Association of Montreal, Canada, for an Order disallowing Colonial Steamships Tariff, C.T.C. No. 3, McKellar Steamships Tariff, C.T.C. No. 3, and Sarnia Steamships Tariff, C.T.C. No. 4.

The said Companies in answer to the said application state:

(1) That the rates as set out in the above tariffs were agreed to last winter, before the Transport Act was in effect.

(2) That, at that time, our Companies had no definite information regarding competitors' rates on Canned Goods.

(3) That the said rates were such that we considered it worthwhile freight."

The tariffs complained of by the applicants apply from only ten shipping points; are subject to minimum quantity per shipment of 175 net tons; and the 25 cents rate includes loading and unloading charges as well as cargo insurance while shipments are in transit.

The 38½ cent lake-and-rail rate, published by the railways, applies from all canned goods shipping stations in Ontario also the Province of Quebec as far east as Boundary, Diamond, Levis and Quebec, and is subject to a carload minimum weight of 24,000 pounds.

The tariffs of the Canada Steamship Lines Limited and Northwest Steamships Limited appear to apply from all water points from which they operate as well as from interior points contiguous thereto, and their rate of 38½ cents is subject to a minimum weight of 24,000 pounds. It also includes cost of cartage from shipper's premises to ports of loading.

The tariffs complained of are described as "Competitive Freight Tariffs." Competitive freight tariffs have a very definite meaning. The term suggests that certain rates or conditions are published to meet competition, and the meeting of competition, generally speaking, under the provisions of the Railway Act or the Transport Act, does not involve the publication of rates which are lower than competitively necessary. It appears that these tariffs contain rates considerably lower than competitively necessary.

The net rate or revenue to the steamship lines by reason of the absorption of loading and unloading charges, etc., in the case of the respondents, and the cartage absorption by the Canada Steamship Lines Ltd., and Northwest Steamships Ltd., is not a matter of record. There has been no evidence submitted bearing upon the reasonableness *per se* of either the 25 cent or the 38½ cent rate. It seems clear, however, that, with respect to these tariffs of the water carriers, there is not the uniformity and equal application of tolls contemplated by the various provisions of the Transport Act, and more particularly Section 24 thereof, with the result that there is apparent unjust discrimination and undue preference as between shippers and localities.

It is our opinion that neither the applications nor the answer sufficiently cover the fundamental issues. We consider that the tariffs complained of should be suspended, but that the respondents be permitted to immediately publish a rate of 38½ cents under the same terms and conditions of carriage as concurrently effective in the tariffs of the Canada Steamship Lines Limited and Northwest Steamships Limited. The Board will also institute an investigation into the whole canned goods rate structure to the Canadian Northwest, with notification thereof forwarded to the railways, water carriers, canned goods manufacturers and other trade bodies.

OTTAWA, October 18, 1939.

ORDER No. 58121

In the matter of the application of the Canadian Freight Association and the Lake Freight Association for disallowance of Colonial Steamships Limited Tariff C.T.C. No. 3, McKellar Steamships Limited Tariff C.T.C. No. 3, and Sarnia Steamships Limited Tariff C.T.C. No. 4, which publish a rate of 25 cents per 100 pounds on canned goods from Amherstburg, Cobourg, Goderich, Hamilton, Kingsville, Leamington, Port Hope, Sarnia, Thorold, and Windsor to Fort William and Port Arthur, Ontario:

File No. 42336

FRIDAY, the 20th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

Upon reading the submissions filed in support of the application and on behalf of Sarnia Steamships Limited, Colonial Steamships Limited, and McKellar Steamships Limited—

It is ordered:

1. That the said tariffs be, and they are hereby, suspended pending investigation by the Board.

2. That the Colonial Steamships Limited, McKellar Steamships Limited, and Sarnia Steamships Limited be, and they are hereby, permitted to publish immediately a rate of 38½ cents per 100 pounds on canned goods from Amherstburg, Cobourg, Goderich, Hamilton, Kingsville, Leamington, Port Hope, Sarnia, Thorold, and Windsor to Fort William and Port Arthur, Ontario, under the same terms and conditions of carriage as are concurrently effective in the tariffs of Canada Steamship Lines Limited and Northwest Steamships Limited.

H. GUTHRIE,

Chief Commissioner.

Application of M & C Aviation Company Ltd., Prince Albert, Sask., for a licence to transport goods and passengers by aircraft between Ile a la Crosse and Goldfields, Sask., with points of call at Fond du Lac and Stony Rapids, Sask.

File No. 42007.9.2

JUDGMENT

GARCEAU, DEPUTY CHIEF COMMISSIONER:

On June 21, 1939, the M & C Aviation Company Ltd., with head office at Prince Albert, Sask., wrote the Board, stating that it desired to make a formal application for continuation of its service from Lac la Loche to Goldfields under Licence C.T.C. No. (A.T.) 14. The said licence, issued to the M & C Aviation Company Ltd. May 4, 1939, authorized it to transport passengers and goods between Big River, Dore Lake, Beauval, Ile a la Crosse, Buffalo Narrows and Lac la Loche, Sask. This licence was issued pursuant to Section 5 (2) of the Transport Act, 1938, which provides that, if evidence is offered to prove that, during the period of twelve months next preceding the coming into force of the relevant part of this Act, on the route between specified points and places in Canada, the applicant was bona fide engaged in the business of transport, and

using aircraft for the purpose of such business, the Board shall, if satisfied with such proof, accept the same as evidence of public convenience and necessity and issue a licence accordingly.

The application at that time did not indicate the points applicant desired to serve; the nature of the service; the aircraft to be used; or the proposed schedule of service. It also failed to show whether the application was being made under the provisions of Section 5 (2) of the Act or if it fell within the provisions of Section 5 (1).

On July 21 the applicant submitted a proper form of application for a licence to transport passengers and goods between Ile a la Crosse and Goldfields, with calls at Fond du Lac and Stony Rapids, upon a scheduled frequency of one return trip weekly. It was unable to furnish proof that it was bona fide engaged in the business of transport between these points within the twelve months preceding July 1, 1938, which is the date the Act was assented to, and was consequently advised that the application would come under the provisions of Section 5 (1) of the Act, which directs that the Board determine whether public convenience and necessity require such transport. It is also provided therein that, in so determining, the Board may take into consideration, *inter alia*,—

- (a) any objection to the application which may be made by any person or persons who are already providing transport facilities, whether by rail, water or air, on the routes or between the places which the applicant intends to serve on the ground that suitable facilities are or, if the licence were issued, would be in excess of requirements, or on the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;
- (b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;
- (c) the general effect on other transport services and any public interest which may be affected by the issue of such licence;
- (d) The quality and permanence of the service to be offered by the applicant and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance.

Other air carriers were advised of the application and given an opportunity of making any desired submissions concerning it, serving copies thereof upon the applicant. This application was set down for hearing at sittings of the Board in Saskatoon on September 20, in order that the applicant might submit evidence from the standpoint of public convenience and necessity as well as hearing the representations of any other interested parties. The Canadian Airways Limited opposed the application. It holds Licence C.T.C. No. (A.T.) 32 issued upon satisfactory proof being furnished under the provisions of Section 5 (2) of the Act, authorizing it to transport passengers and goods between Prince Albert and Goldfields, with points of call at Big River, Dore Lake, La Plonge/Beauval, Ile a la Crosse, Pine River, Souris, Buffalo Narrows, Buffalo River, Clear Lake, La Loche, Cree Lake, Fond du Lac, Stony Rapids, Foster Lakes, Contact Lake, Stanley Mission, Sulphide Lake, Lac la Ronge, Montreal Lake, in the province of Saskatchewan.

The Canadian Airways' objections may be summarized as follows:—

It established present service in 1935. In 1937, it was awarded a contract for carriage of mail between Prince Albert and Goldfields and, in 1938, operated on a schedule of three times per week. It is alleged that its 1938 operations showed a loss. In the first six months of 1939, there was a serious decrease in

the volume of traffic over this route as compared with the same period in 1938, viz:—

	1938	1939
Passengers carried	298	142
Goods carried, pounds	24,254	15,933
Mail, pounds	22,036	11,489

On account of this reduction in traffic, the schedule has been reduced to two trips per week, with extra trips where the two scheduled trips are inadequate. The Canadian Airways Limited stated further that a second licence between Ile a la Crosse and Goldfields would mean two licences on this route; that the second licensee would only operate at a loss and increase the loss suffered by Canadian Airways Limited; that it would not be in the interest of public convenience and necessity to permit a second operator on this route so long as Canadian Airways Limited is willing and able to provide a sound economical and efficient service. It submitted copies of letters from a considerable number of merchants, etc., at Goldfields, stating this service is satisfactory and adequate.

The applicant submitted no evidence that public convenience and necessity require issuance of a licence as applied for, its counsel stating:—

“We are simply asking that our application from Ile a la Crosse to Goldfields be dealt with on its merits, and I have nothing further to say as far as it is concerned.”

Upon what is before the Board on this record, it is not shown that public convenience and necessity require the additional transport applied for between Ile a la Crosse and Goldfields, and the application is refused.

OTTAWA, October 23, 1939.

Commissioners Stoneman and Stone concurred.

ORDER No. 58149

In the matter of the application of the M & C Aviation Company, Limited, of Prince Albert, Saskatchewan, hereinafter called the “Applicant,” under Sections 5(1) and 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Ile a la Crosse and Goldfields, in the Province of Saskatchewan, with points of call at Fond du Lac and Stony Rapids, Saskatchewan.

File No. 42007.9.2

THURSDAY, the 16th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Saskatoon, September 20, 1939, in the presence of representatives of the Applicant, Canadian Airways Limited, and Trans-Canada Air Lines, and what was alleged—

It is ordered: That the application be, and it is hereby, dismissed.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58122

In the matter of the application of Arrow Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Flin Flon, Brochet, Manitoba, and intermediate points:

File No. 42007.6.4

THURSDAY, the 19th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

WHEREAS the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Flin Flon, in the Province of Manitoba; Island Falls, South End, Rabbit River, in the Province of Saskatchewan; Brochet, in the Province of Manitoba,—

which points and places are specifically named by the Governor in Council under Order in Council P.C. 953, dated April 26, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

AND WHEREAS the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

AND WHEREAS the Applicant has undertaken to provide a service upon the following schedule:—

A minimum of 4 trips annually between—

Flin Flon and Brochet, with flag stops, in either direction, at Island Falls South End, and Rabbit River when traffic is offered and arranged for in advance of the trip being made,—

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

THEREFORE THE BOARD ORDERS

1. That Licence Number C.T.C. (A.T.) 53 be issued for the period of one year from October 18, 1939.

2. That the Applicant be, and it is hereby required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16th, 1938, and amendments thereto.

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58125

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act: File No. 34822.12

FRIDAY, the 20th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

1. THE BOARD ORDERS that the tolls published in columns "C" and "E" (C.L.) of 7th revised page 19, column "Q" of 11th revised page 20, and items 665 and 667 of 11th revised page 39 to Tariff C.T.C. No. E.4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. AND THE BOARD hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said columns "C" and "E" (C.L.) of 7th revised page 19, column "Q" of 11th revised page 20, and items 665 and 667 of 11th revised page 39 to Tariff C.T.C. No. E.4757, approved herein, are as follows:—

Miles	Cents per 100 pounds		
	Column "C"	Column "E" (C.L.)	Column "Q"
5	4	4	5
10	4½	4½	5½
15	5	5	6½
20	5	6	7
25	5½	6½	8
30	5½	7½	9
35	6	8	9½
40	6	9	10
45	6	9	10
50	6	9	11
55	7½	9½	11
60	7½	10	12
65	8	10½	12½
70	8	12	14½
75	8	12	14½
80	9½	13	15½
85	9½	13	15½
90	9½	14	17
95	10½	15	18
100	10½	15	18
110	12	16½	19
120	12	16½	19
125	12	16½	19
130	13½	16½	19
140	13½	17½	21½
150	13½	17½	21½
160	15	19½	22½
170	15	19½	22½
175	15	20½	24½
180	15	20½	24½
190	15	20½	24½
200	15	21½	25
210	17½	21½	25
220	17½	21½	25
225	17½	22	26½
230	17½	22	26½
235	17½	22	26½
240	17½	22	26½
250	17½	22	26½
260	19	22½	27
270	19	22½	27
275	19	22½	27
280	19	22½	27
290	19	24	28
300	19	24	28
Item			
665		14	
667		9½	

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58127

In the matter of the application of The Tree Line Navigation Company, Limited, under Section 21 of The Transport Act, 1938, for approval of Supplement No. 1 to Standard Mileage Freight Tariff C.T.C. No. 21, on file with the Board under file No. 42082.2:

FRIDAY, the 20th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

UPON the report and recommendation of the Assistant Director, Traffic Department of the Board—

IT IS ORDERED that the said Supplement No. 1 to Standard Mileage Freight Tariff C.T.C. No. 21 of The Tree Line Navigation Company, Limited, on file with the Board under file No. 42082.2, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58130

In the matter of the application of Starratt Airways and Transportation Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Kenora and Red Lake, Ontario: File No. 42007.22.1

FRIDAY, the 20th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

WHEREAS the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Kenora, Red Lake, in the Province of Ontario, which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1823, dated July 15, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

AND WHEREAS the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

AND WHEREAS the Applicant has undertaken to provide a weekly service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

THEREFORE THE BOARD ORDERS:—

1. That Licence Number C.T.C. (A.T.) 54 be issued for the period of one year from October 23, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16th, 1938, and amendments thereto.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58134

In the matter of the application of Canada Steamship Lines, Limited, under Section 21 of The Transport Act, 1938, for approval of Supplement No. 1 to Standard Mileage Freight Tariff C.T.C. No. 41, on file with the Board under file No. 42082.1:

SATURDAY, the 21st day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

UPON the report and recommendation of the Assistant Director, Traffic Department of the Board—

IT IS ORDERED that the said Supplement No. 1 to Standard Mileage Freight Tariff of Canada Steamship Lines, Limited, C.T.C. No. 41, effective as of the date of this Order, on file with the Board under file No. 42082.1, be, and it is hereby, approved.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58140

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.2

TUESDAY, the 24th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

THE BOARD ORDERS that the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 56 to Tariff C.T.C. No. E.1247

Supplement 64 to Tariff C.T.C. No. E.1911

Supplement 51 to Tariff C.T.C. No. E.2444

Supplement 17 to Tariff C.T.C. No. E.2925

Supplement 3 to Tariff C.T.C. No. E.3069

Tariff C.T.C. No. E.3127

Tariff C.T.C. No. E.3129

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58141

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.13

TUESDAY, the 24th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

1. THE BOARD ORDERS that the tolls published in Item 636 of Supplement No. 52 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. AND THE BOARD hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 636 of Supplement No. 52 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item	Miles	Cents per 100 pounds
636	15	6
	20	6½
	25	7
	30	9
	40	10
	50	10
	60	11½
	65	13
	75	14
	85	14½
	95	16
	100	16½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58142

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.13

TUESDAY, the 24th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

1. THE BOARD ORDERS that the tolls published in Item 181 of Supplement No. 51 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. AND THE BOARD hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried

under the said Item 181 of Supplement No. 51 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item 181	To	Cents per 100 pounds
	Kentville, N.S.	7 $\frac{1}{2}$
	Waterville, N.S.	7 $\frac{1}{2}$
	Middleton, N.S.	5 $\frac{3}{4}$
	Lawrencetown, N.S.	5 $\frac{3}{4}$
	Paradise, N.S.	4 $\frac{3}{4}$
	Bridgetown, N.S.	4 $\frac{3}{4}$
	Digby, N.S.	5 $\frac{3}{4}$

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58144

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.15

TUESDAY, the 24th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

1. THE BOARD ORDERS that the toll published to Almonte, Ontario, in Supplement No. 23 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal & Raliway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. AND THE BOARD hereby certifies that the normal rate, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 23 to Tariff C.T.C. No. 194, to Almonte, Ontario, approved herein, is 345 cents per ton of 2,000 pounds.

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58156

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.13

FRIDAY the 27th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 3 to Tariff C.T.C. No. 1072, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic

carried under the said Supplement No. 3 to Tariff C.T.C. No. 1072, approved herein, are as follows:—

Item		Cents per 100 pounds
66-A	.. . . .	18½
Section 1		
Item	To	
5	Beaver Bank, N.S.	8
	Mount Uniacke, N.S.	8½
	Stillwater, N.S.	9½
	Windsor, N.S.	10½
	Mosherville, N.S.	12
10	Kennetcook, N.S.	13½
	Upper Kennetcook, N.S.	15
	South Maitland, N.S.	16
	Avonport, N.S.	10½
	Port Williams, N.S.	12
Section 1		Cents per 100 pounds
15	To	
	Kentville, N.S.	13½
	Mill Village, N.S.	13½
	Kingsport, N.S.	15
	Grafton, N.S.	16
	Weston, N.S.	17
20	Berwick, N.S.	15
	Kingston, N.S.	16
	Wilmot, N.S.	17
	Weymouth, N.S.	20
	Hectanooga, N.S.	20½
	Hebron, N.S.	22
25	South Maitland, N.S.	8
	Kennetcook, N.S.	9½
	Scotch Village, N.S.	10½
	Windsor, N.S.	12
	Stillwater, N.S.	13½
30	Beaver Bank, N.S.	15
	Avonport, N.S.	12
	Port Williams, N.S.	13½
	Kentville, N.S.	15
	Mill Village, N.S.	15
35	Kingsport, N.S.	16
	Weston, N.S.	17
	Berwick, N.S.	16
	Wilmot, N.S.	17
40	Weymouth, N.S.	20
	Hectanooga, N.S.	20½
	Hebron, N.S.	22
45	Brazil Lake, N.S.	7½
	Hectanooga, N.S.	8
	Sigogne, N.S.	9
	Little Brook, N.S.	9
	Weymouth, N.S.	10½
50	Plympton, N.S.	10½
	Digby, N.S.	12½
	Clementsport, N.S.	16
	Annapolis Royal, N.S.	15
55	Halifax, N.S.	20
	Windsor, N.S.	19
	Wolfville, N.S.	17½
	Kentville, N.S.	16½
	Berwick, N.S.	16
	Aylesford, N.S.	13½
60	Middleton, N.S.	11
	Bridgetown, N.S.	9
	Annapolis Royal, N.S.	9
	Weymouth, N.S.	9
	Church Point, N.S.	9
	Yarmouth, N.S.	12½
65	Middleton, N.S.	17
	Bridgetown, N.S.	18½
	Yarmouth, N.S.	18½
	Truro, N.S.	10½

Section 2

Item

Miles Cents per
100 pounds

85

10	4
20	5
30	5½
50	6
60	7½
75	8
90	9½
100	10½
125	11½
150	13½
200	14½

95

5	4½
10	4½
20	4½
30	5½
40	6
50	6
60	7½
70	8
75	8
80	9
90	9
100	10
125	12
150	13½
200	15

100

5	5½
10	5½
20	6½
30	7
40	7½
50	7½
60	9
70	9½
75	9½
80	10½
90	10½
100	12
125	13
150	15
200	16

105

5	4½
10	4½
20	5
30	5½
40	6
50	6
60	7½
70	8
75	8
80	9½
90	9½
100	10½
125	12
150	13½
200	15

Section 3

Item

Cents per 100 pounds

110A

19½

115A To

Bridgetown, N.S.

10½

Yarmouth, N.S.

13

120A

7½

H. GUTHRIE,
Chief Commissioner.

ORDER No. 58157

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.13

FRIDAY, the 27th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 85 and 95 of Supplement No. 4 to Tariff C.T.C. No. 1072, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said items 85 and 95 of Supplement No. 4 to Tariff C.T.C. No. 1072, approved herein, are as follows:—

Item	Miles	Cents per 100 pounds
85	250	17½
95	230	17½

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58159

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.13

FRIDAY, the 27th day of October, A.D. 1939.

HON. HUGH GUTHRIE, K.C., *Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Supplement No. 1 to Tariff C.T.C. No. 1104, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the said Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 1 to Tariff C.T.C. No. 1104, approved herein, is

	Cents per 100 pounds
Billed	8
Normal	10

H. GUTHRIE,

Chief Commissioner.

ORDER No. 58170

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 31st day of October, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of the said Section 3, namely:—

Supplement No. 24 to Tariff C.T.C. No. E. 2629.

Supplement No. 7 to Tariff C.T.C. No. E. 2769.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58182

In the matter of the application of Wings Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg, Manitoba, and Sandy Lake, Ontario, and intermediate points.

File No. 42007.19.6

TUESDAY, the 31st day of October, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Winnipeg, Lac du Bonnet, in the Province of Manitoba; Setting Net Lake, Northwind Lake, South Trout Lake, Sandy Lake, in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. No. 1451, dated June 15, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly, between.....Winnipeg, Lac du Bonnet, South Trout Lake.

Flag Stops as required by
traffic on Weekly Schedule
atSetting Net Lake, Northwind Lake,
Sandy Lake;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 58 be issued for the period of one year from November 1, 1939.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58190

In the matter of the application of the M & C Aviation Company Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 7 and Standard Goods Tariff C.T.C. No. 8, on file with the Board under file No. 42017.2:

THURSDAY, the 2nd day of November, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 7 and Standard Goods Tariff C.T.C. No. 8 of the M & C Aviation Company Limited, effective November 15, 1939, one file with the Board under file No. 42017.2, be, and they are hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58192

In the matter of the application of G. C. Ransom, Agent, hereinafter called the "Applicant," for permission to reissue, on less than statutory notice, tariff C.T.C. No. 1179.

File No. 27612.211

FRIDAY, the 3rd day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant's tariff C.T.C. No. 1179, effective September 20, 1939, and expiring with November 30, 1939, provides therein representation of certain rail and water carriers, and it is now desired to add thereto the name of Northwest Steamships Limited—

It is therefore ordered: That the Applicant be, and he is hereby, permitted to reissue on one day's notice tariff C.T.C. No. 1179 expiring with November 30, 1939, to provide for representation therein of Northwest Steamships Limited.

HUGH WARDROPE,
Assistant Chief Commissioner.

GENERAL ORDER No. 593

In the matter of rules and regulations governing the construction and filing of freight and passenger schedules with the Board, approved under General Order No. 479, dated June 28, 1929, as amended by General Order No. 585, dated March 27, 1939:

File No. 606.1

TUESDAY, the 24th day of October, A.D. 1939.

Hon. HUGH GUTHRIE, K.C., *Chief Commissioner.*HUGH WARDROPE, *Assistant Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

In pursuance of the powers expressly conferred under Sections 324 and 332 of the Railway Act, and of all other powers possessed by the Board in that behalf—

It is ordered: That the said regulations, as contained in Circular No. 223, governing the construction and filing of freight and passenger schedules with the Board, be, and they are hereby, amended by striking out Rule 35 thereof.

H. GUTHRIE,
Chief Commissioner,

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT, BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, SEPTEMBER, 1939

Railway accidents.. . . . 118 with 30 killed and 116 injured
Railway accidents at highway crossings.. . . . 30 with 23 killed and 28 injured

	Killed	Injured
Passengers.. . . .	—	19
Employees.. . . .	13	79
Others.. . . .	40	46
Total.. . . .	53	144

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents	K.	I.	
NOVA SCOTIA			
1	—	2	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, N.S. C-8215.
1	—	1	Auto truck—Track motor car collided with auto truck. Licence, N.S. C-14-166.
1	—	1	Automobile—Automobile ran into side of train. Licence, N.S. 72078.
QUEBEC			
1	2	—	Auto truck—Auto truck failed to heed bell and wigwag signal; ran into side of train. Licence, Que. H-40-60.
1	1	—	Pedestrian—Pedestrian attempted to cross tracks in front of approaching train and was struck.
1	—	2	Automobile—Automobile ran into side of train. Licence, Que. 160-885.
1	3	—	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Que. 116-483.

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS—*Concluded*

Accidents	K.	I.	ONTARIO
1	1	-	Pedestrian—Pedestrian evidently ran out in front of engine; apparently a case of suicide.
1	1	-	Automobile—Auto driver failed to heed bell and wigwag signal; drove on to crossing in front of approaching train and was struck. Licence, Ont. 6-K-427.
1	1	1	Auto truck—Truck driver failed to heed bell and wigwag signal; drove on to crossing in front of approaching train and was struck. Licence, Ont. 46354-C.
1	1	-	Bicycle—Cyclist failed to heed bell and wigwag signal; approached too close to passing train and was struck.
1	-	1	Auto truck—Auto truck disregarded Watchman's signals; drove on to crossing in front of approaching train and was struck. Licence, Ont. C-38-196.
1	-	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 7-W-817.
1	-	1	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 58247-C.
1	-	2	Auto truck—Auto truck struck by rail motor car. Licence, Ont. 30343-C.
1	1	-	Auto truck—Truck driver disregarded bell and wigwag signals; drove on to crossing in front of approaching train and was struck. Licences, Ont. 16587-C. PCV-713-F.
1	2	2	Auto taxi—Auto taxi disregarded Watchman's signal; drove on to crossing in front of approaching train and was struck. Licence, Ont. 67-L-19.
1	1	-	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 49684-C.
1	1	2	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 8-X-309.
1	-	2	Automobile—Automobile ran into side of train. Licence, Ont. 7-M-485.
1	-	1	Auto truck—Auto truck struck by track motor car. Licence, Ont. 43629-C.
1	-	1	Automobile—Automobile ran into side of train. Licence, Ont. 471-P-6.

MANITOBA

1	2	-	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Man. 37396.
1	-	1	Auto truck—Auto truck ran into side of train. Licence, Man. T-10002.

SASKATCHEWAN

1	1	2	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Sask. 44657.
1	3	2	Automobile—Automobile, disabled on crossing, after colliding with truck standing clear on highway, struck by train. Licence, Sask. 57-154.
1	-	2	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Sask. 939.
1	1	-	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Alta. 35-676.
1	1	-	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Alta. Int. D-013-485.
1	-	1	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Alta. D-19-489.

Of the 30 accidents at highway crossings, 21 occurred at unprotected crossings and 9 occurred at protected crossings.

Twenty-one of the accidents occurred after sunrise, and 9 occurred after sunset.

October 30, 1939.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 58046. Oct. 2—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under Section 9.
- 58047. Oct. 2—Approving under Maritime Freight Rates Act tolls published in tariffs and supplements filed by the C.P.R. under Section 9.
- 58048. Oct. 2—Requiring the C.P.R. to appoint a temporary station agent at Garrick, Sask.
- 58049. Oct. 2—Authorizing the C.P.R. to construct tracks across north and south road allowances, mileage 47·57, Lac du Bonnet Subdivision.
- 58050. Oct. 2—Authorizing the abandonment of operation of spur track of Père Marquette Ry. serving Canada and Dominion Sugar Co., one-half mile east of Sandison, Ontario.
- 58051. Oct. 2—Declaring C.N.R. crossing, mileage 26·65, Hagarsville Subdivision satisfactorily protected; C.N. Rys. and M.C.R. movements over crossing to be flagged by train crew.
- 58052. Oct. 2—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the C.N.Rys. under Section 3.
- 58053. Oct. 2—Authorizing the Canadian National Railways to provide cross-over east of St. Hubert station, Que.
- 58054. Oct. 2—Approving installation of storage facilities for British American Oil Co. Ltd., Two Hills, Alta. C.P.R.
- 58055. Oct. 3—Authorizing the Dept. of Highways of Ontario to reconstruct existing subway under C.P.R. on King's Highway near Prescott, Ont.
- 58056. Oct. 3—Declaring C.P.R. crossing of 4th Street West, Calgary, Alta., satisfactorily protected, speed limitation of 10 miles an hour to be maintained.
- 58057. Oct. 3—Declaring C.P.R. crossing of highway east of Brooks station, Alberta, protected to Board's satisfaction.
- 58058. Oct. 5—Declaring C.P.R. crossing of highway west of Linwood Station, Ont., protected to Board's satisfaction.
- 58059. Oct. 5—Declaring C.P.R. crossing of highway south of Nisku Station, Alta., protected to Board's satisfaction.
- 58060. Oct. 6—Dismissing application of Dept. of Roads of Quebec for contribution towards elimination of crossing of Nipissing Central Ry., etc.
- 58061. Oct. 5—Authorizing Dept. of Highways of Ontario to construct highway crossing over C.N.R. at mileage 108·1, Alderdale Subdivision, Ont.
- 58062. Oct. 5—Approving installation of oil bulk plant of Union Oil Co. Ltd., Red Deer, Alta. C.P.R.
- 58063. Oct. 5—Authorizing the Dept. of Highways of Ontario to construct highway crossing over C.N.R. at mileage 105·77, Tp. Crerar, Ont.
- 58064. Oct. 5—Authorizing Dept. of Highways of Ontario to construct highway crossing over C.N.R. at mileage 108·67, Alderdale Subdivision, Ont.
- 58065. Oct. 5—Authorizing the Dept. of Highways of Ontario to construct highway crossing over C.N.R., mileage 109·72, Alderdale Subdivision, Ont.
- 58066. Oct. 5—Approving less than standard clearance of C.P.R. at structure mileage 55·88, Cartier Subdivision, Ont.
- 58067. Oct. 5—Approving installation of pipe line, etc., of Joy Oil Co. Ltd., Toronto, Ont., under tracks of Toronto Harbour Commission.
- 58068. Oct. 5—Approving installation of overhead unloading rack, etc., of Sandwich, Windsor and Amherstburg Ry. Co., on New York Central (M.C.R.), Windsor, Ontario.
- 58069. Oct. 6—Approving Agreed Charges between C.N.R., C.P.R., Imperial Oil Co. Ltd., McColl-Frontenac Oil Co. Ltd., on petroleum products from Calgary, Alta., to points in Alberta and Saskatchewan.
- 58070. Oct. 7—Declaring highway crossing by C.N.R. east of Canfield Junction, Ont., protected to Board's satisfaction.
- 58071. Oct. 11—Approving C.N.R. relocation of shelter at mileage 77·5, Assiniboine Sub. Sask., at Clemenceau, Porcupine Forest Reserve No. 2.
- 58072. Oct. 7—Declaring highway crossing by C.N.R. north of Rosseau Road shelter, Twp. Foley, Ont., protected to Board's satisfaction.
- 58073. Oct. 10—Declaring C.N.R. crossing of Queen Street, Kitchener, Ont., protected to Board's satisfaction.
- 58074. Oct. 10—Approving Traffic Agreement between Bell Telephone Co. and Brechin Telephone System.
- 58075. Oct. 10—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Section 3.
- 58076. Oct. 10—Rescinding Orders 38888, Apr. 5/27 and 42095, Jan. 23/29, *re* overhead crossing of tracks M.C.R. (N.Y.C.) and Hydro Electric Power Commission, Ont. Field Ave., Windsor, Ontario.
- 58077. Oct. 10—Approving Canadian Airways Ltd. Standard Goods Tariff C.T.C. No. 23.

58078. Oct. 10—Declaring C.N.R. crossing west of Weston station, Ont., mileage 10-41, Brampton Subdivision protected to Board's satisfaction.
58079. Oct. 11—Authorizing the N.St. C. and T. Ry. to construct relocated track across certain streets, Port Colborne, Ont.
58080. Oct. 11—Rescinding Orders 19346, May 19/13; 21197, Jan. 12/14; and 21607, April 3/14, *re* Essex Terminal Ry crossing by Sandwich, Windsor and Amherstburg Ry. on Wellington Avenue, Sandwich East and industrial spur of the C.S. Ry. Co. to plant of Postum Cereal Co. of Canada.
58081. Oct. 11—Permitting C.N.Rys. to publish upon three days' notice supplements to Tariffs C.T.C.E. 1715 to correct error.
58082. Oct. 11—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Canadian Pacific Railway under Section 9.
58083. Oct. 11—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Canadian Pacific Railway under Section 9.
58084. Oct. 11—Declaring C.P.R. crossing of Kipling Avenue east of Obico, Ont., protected to Board's satisfaction.
58085. Oct. 11—Approving installation of storage tanks, etc., of the McColl-Frontenac Co. Ltd. on C.N.Rys. property at Parkhill, Ontario.
58086. Oct. 11—Approving installation of additional storage tanks, etc., of the Shell Oil Co. Ltd. on the Cayuga Subdivision of the C.N.R. at Simcoe, Ontario.
58087. Oct. 12—Approving under Maritime Freight Rates Act tolls published in supplements to tariffs C.T.C.E. 4757, filed by the C.P.R. under Section 9.
58088. Oct. 12—Authorizing the opening of crossing mileage 36-38 on C.P.R. Sec. 9-16-43-25-W 4 M. Alberta, Leduc Subdivision.
58089. Oct. 12—Approving installation of tank car unloading rack, etc., of Canadian Oil Cos. Ltd. Kirkland Lake, Ont., mileage 5-6, Nipissing Central Ry.
58090. Oct. 12—Permitting the C.P.R. to remove shelter at O'Dell station, Ont., mileage 27-94, St. Thomas Subdivision.
58091. Oct. 13—Authorizing the Dept. of Public Works of New Brunswick to divert highway No. 2 between Edmundston and Clair, N.B.
58092. Oct. 13—Authorizing the C.P.R. to construct branch line to serve Imperial Tobacco Co. of Canada Ltd., at mileage 3-02, LaSalle Loop Line Subdivision., LaSalle, Que.
58093. Oct. 13—Declaring C.P.R. crossing west of Myrtle station, Ontario, mileage 63-66, Peterboro Subdivision, protected to Board's satisfaction.
58094. Oct. 13—Requiring C.N.R. to install protection at Main Street crossing, Sussex, N.B., mileage 45-48.
58095. Oct. 13—Approving Service Station Contract between the Bell Telephone Co. and the Commissioners for the Telephone System of the Municipality of Chinguacousy.
58096. Oct. 13—Approving Appendix "A" to Traffic Agreement between Bell Telephone Co., the Peoples Telegraph and Telephone Co. Limited.
- 58096-A. Oct. 13—Approving Appendix "A" to Traffic Agreement between Bell Telephone Co., the Peoples Telegraph and Telephone Co. Limited.
58097. Oct. 14—Declaring C.P.R. crossing first west of Magog, Que., protected to Board's satisfaction.
58098. Oct. 14—Declaring C.N.R. rip track lead, Port Arthur, Ont., Lakehead Terminal Subdivision, protected to Board's satisfaction.
58099. Oct. 14—Declaring C.P.R. crossing east of Ste. Rose station, Que., satisfactorily protected, speed limitation of ten miles an hour to be maintained.
58100. Oct. 14—Approving Appendix "A" to Traffic Agreement between Bell Telephone Co., La Cie de Téléphone de La Tuque Falls.
58101. Oct. 14—Approving Bell Telephone Co's Traffic Agreement with Le Téléphone Somerset, Inc.
58102. Oct. 16—Authorizing the Dept. of Highways and Transportation of Saskatchewan to construct highway crossing over C.P.R. in S.E. 1-32-6-21 W-3-M, Sask.
58103. Oct. 16—Authorizing certain officials of the Northwest Airline Inc. to prepare and issue tariffs of tolls.
58104. Oct. 13—Authorizing the Dept. of Highways for Ontario to construct highway crossing over C.N.R. at mileage 20-14, Dorion Subdivision, Ontario.
58105. Oct. 16—Approving Bell Telephone Co's Supp. No. 1 to Traffic Agreement with the Commissioners for the Telephone System of the Twp. of Dummer.
58106. Oct. 16—Approving installation of storage tank, etc., of the Shell Oil Co. of British Columbia on C.P.R. line at Salmon Arm, B.C.
58107. Oct. 16—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian National Rys. under Section 3.
58108. Oct. 16—Permitting C.P.R. to issue on less than statutory notice tariffs on Grapes, C.L., from Nelson and Vancouver, B.C., to stations in Alberta.
58109. Oct. 16—Declaring C.P.R. crossing west of Portage la Prairie station, Man., mileage 57-7, Carberry Subdivision, protected to Board's satisfaction.

- 58110. Oct. 16 — Authorizing the issuing of a Licence to Canadian Colonial Airways, Ltd., for transportation between New York, N.Y., Burlington, Vt., Montreal, Que.
- 58111. Oct. 16 — Approving Bell Tel. Co's Traffic Agreement with the Réseau de Téléphone Gravel.
- 58112. Oct. 16 — Amending Order 57974, Sept. 16/39, authorizing C.N.R. to construct additional team tracks across Aqueduct, Versailles and other streets in Montreal, Que.
- 58113. Oct. 17 — Authorizing the issuing of Licence to Canadian Colonial Airways Ltd., for transportation between Montreal, Que. and New York City, N.Y.
- 58114. Oct. 17 — Authorizing the C.P.R. to construct branch lines to serve Canadian International Paper Co. at Trois Rivières, Que.
- 58115. Oct. 18 — Approving installation of unloading rack, etc., of McColl-Frontenac Oil Co., mileage 60.9, at Inverness, N.S., C.N.Rys.
- 58116. Oct. 18 — Authorizing the issuing of Licence to Canada Steamship Lines Ltd. for transportation by water within proclaimed area of Great Lakes.
- 58117. Oct. 18 — Authorizing the Dept. of Highways for Ontario to construct overhead crossing of N.Y.C. (M.C.R.) and C.N.R. by Queen Elizabeth Way, Twp. Bertie, Ont.
- 58118. Oct. 19 — Dismissing application City of North Bay re maintenance of C.P.R. crossing, mileage 1.78, Cartier Subdivision, North Bay, Ontario.
- 58119. Oct. 19 — Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Section 9.
- 58120. Oct. 20 — Approving C.N.R. less than standard clearance at platform serving American Can Co. of Hamilton, Ont.
- 58121. Oct. 20 — Permitting Colonial Steamships Ltd. and others to publish immediately a rate on canned goods from Amherstburg, Cobourg and other points to Fort William and Port Arthur, Ontario.
- 58122. Oct. 19 — Authorizing the issuing of Licence to Arrow Airways Ltd. for transportation between Flin Flon, Brochet, Man., and intermediate points.
- 58123. Oct. 19 — Declaring C.P.R. crossing west of Worthington station, Ont., mileage 26.44, Webbwood Subdivision protected to Board's satisfaction.
- 58124. Oct. 19 — Approving C.N.R. less than standard clearance on siding serving Wunder Furniture Mfg. Co. Ltd., Kitchener, Ontario.
- 58125. Oct. 20 — Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
- 58126. Oct. 20 — Authorizing C.N.R. to rearrange track circuits at certain crossings in St. Johns, Que.
- 58127. Oct. 20 — Approving Supp. 1 to Standard Mileage Freight Tariff C.T.C. No 21 filed by The Tree Line Navigation Co. Limited.
- 58128. Oct. 20 — Amending Order 58091, Oct. 13/39. Authorizing Dept. of Public Works of New Brunswick to divert highway No. 20 between Edmundston and Clair.
- 58129. Oct. 20 — Permitting New York Central to amend tariff C.T.C. No. 3594 on less than statutory notice, to correct error.
- 58130. Oct. 20 — Authorizing the issuing of Licence to Starratt Airways and Transportation Ltd. for transportation between Kenora and Red Lake, Ontario.
- 58131. Oct. 20 — Authorizing C.N.R. to construct second track across Kaulback and Willow streets, Truro, N.S.
- 58132. Oct. 21 — Amending Order 57618, June 19/39, requiring Vancouver and Lulu Island Ry. Co. (B.C. Electric Ry.) to stop train at Road No. 3 near Brighthouse station, B.C.
- 58133. Oct. 21 — Declaring C.N.R. crossing of Gormanville Road (Eloy's crossing), North Bay, Ont., protected to Board's satisfaction.
- 58134. Oct. 21 — Approving Supp. 1 to Standard Mileage Freight Tariff C.T.C. No. 41 filed by Canada Steamship Lines.
- 58135. Oct. 23 — Dismissing application Dept. Roads, Quebec, for authority to eliminate level crossing of Quebec Central Ry. highway No. 23, Beauceville, Que.
- 58136. Oct. 23 — Authorizing C.N.R. to operate its trains over subway at Sherbrooke St. East, Pointe aux Trembles, Que.
- 58137. Oct. 23 — Authorizing the Dept. of Roads, Quebec, to construct highway crossing over C.P.R. on highway No. 38, in Mun. of St. Charles Borromée, County of Joliette, Que.
- 58138. Oct. 23 — Authorizing the Twp. of Grey, Ontario, to construct highway crossing over C.P.R. at mileage 82.59, Goderich Subdivision.
- 58139. Oct. 23 — Extending time limit for installation of protection at Dominion Atlantic Ry. Crossing of Trunk Road No. 1, mileage 19.31, Kentville, Sub. Auburn, N.S.
- 58140. Oct. 24 — Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Section 3.

- 58141. Oct. 24—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion At. Ry. under Section 9.
- 58142. Oct. 24—Approving under Maritime Freight Rates Act tolls published in tariffs filed by D.A.Ry. under Section 9.
- 58143. Oct. 24—Authorizing C.P.R. and C.N.Rys. to operate trains through interlocking plant at De Beaujeu crossing, Que., mileage 35·4, Winchester Sub-division, C.P.R.
- 58144. Oct. 24—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Fredericton and Grand Lake Coal and Ry. Co.
- 58145. Oct. 31.—Declaring C.P.R. crossing of Merritt Avenue, Chatham, Ontario, protected to Board's satisfaction.
- 58146. Oct. 24—Authorizing Toronto Harbour Commissioners to operate siding from main lead track in Railway Reserve, Unwin Ave., into Joy Oil Co. Ltd., Toronto, Ont.
- 58147. Oct. 25—Approving installation of storage tank, etc., of North Star Oil Ltd., Langham Subdivision, C.N.R., North Battleford, Sask.
- 58148. Oct. 25—Granting leave to C.N.R. to abandon and remove station building at Waterloo, Ontario.
- 58149. Oct. 26—Dismissing application M. & C. Aviation Co. Ltd., Prince Albert, Sask., for Licence for transportation by aircraft.
- 58150. Oct. 26—Amending Order 57519 of May 27th, 1939, relieving N.Y.C. from maintaining cattle guards in Township of Orford, Ontario.
- 58151. Oct. 26—Relieving C.P.R. from maintaining cattle guards at certain highway crossings on Peterboro Subdivision.
- 58152. Oct. 26—Relieving C.P.R. from maintaining cattle guards at certain highway crossings, mileage 73·68 and 74·22, Oshawa Subdivision.
- 58153. Oct. 26—Relieving C.P.R. from maintaining cattle guards at highway crossing, mileage 0·7, Bobcaygeon Subdivision.
- 58154. Oct. 26—Relieving C.P.R. from maintaining cattle guards at certain highway crossings on Belleville Subdivision.
- 58155. Oct. 27—Declaring C.P.R. crossing, mileage 87·09, Taber Subdivision, Alta., protected to Board's satisfaction.
- 58156. Oct. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway, under Section 9.
- 58157. Oct. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway, under Section 9.
- 58158. Nov. 1—Declaring C.N.R. crossing east of Juniata Station, Sask., mileage 87·85, Asquith Subdivision, protected to Board's satisfaction.
- 58159. Oct. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway, under Section 9.
- 58160. Oct. 27—Approving Bell Telephone Co's Revised Sheet No. 1 of Tariff C.T.C. 6716 and Individual Exchange Tariffs, etc.
- 58161. Oct. 27—Permitting New York Central Ry. Co. to abandon station building at Dufferin, Ontario.
- 58162. Oct. 27—Approving clearances during course of construction of overhead bridge on Saint John-Moncton Highway at Blair Siding, C.N.Rys.
- 58163. Oct. 27—Approving clearances during reconstruction of overhead bridge at Brookville, N.B., mileage 84·4, Sussex Subdivision, C.N.Rys.
- 58164. Oct. 28—Authorizing C.N.R. to operate under structure over crossing west of Keene Station, Ontario.
- 58165. Nov. 1—Declaring C.P.R. crossing of Adelaide Street, London, Ontario, protected to Board's satisfaction.
- 58166. Nov. 1—Amending Order 54750 of Aug. 27/37 providing for speed limitation over Browning Avenue crossing by C.N.R. west of Carman Station, Man.
- 58167. Nov. 1—Amending Order 20862 of Nov. 21/13 providing for speed limitation at C.N.R. crossing of Fournier and Browning Ave., Carman, Man.
- 58168. Oct. 28—Authorizing Dept. of Highways to construct overhead crossing of C.N.R. at mileage 72·15, Alderdale Sub., Twp. Beauceage, Ontario.
- 58169. Oct. 31—Approving location of Quaker Oats Co's track No. 4 north of Hunter Street, Peterboro Subdivision, mileage 24·3, Peterboro, Ont.
- 58170. Oct. 31—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Section 3.
- 58171. Oct. 31—Declaring C.N.R. crossing of Highway Avenue, London, Ontario, protected to Board's satisfaction.
- 58172. Oct. 31—Declaring C.P.R. crossing of Wenstanley St. (Highway No. 23) east of West Monkton station, Ont., protected to Board's satisfaction.
- 58173. Oct. 31—Declaring C.P.R. crossing of Hespler Street, north of Didsbury Station, Alta., protected to Board's satisfaction.

NOTICES, ORDERS IN COUNCIL, ETC.

The following Orders in Council are reproduced for the information of all concerned:—

P.C. 2988

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of October, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council, P.C. 1497, dated the 22nd of June, 1939, the following points and places, designated for identification purposes by the route number shown, were named on the recommendation of the Board of Transport Commissioners for Canada, pursuant to the provisions of Section 15(1)(b) of The Transport Act, 1938, for the purpose of making Part III of the said Act applicable to transport by air by means of reasonably regular air transport services between the said points and places:—

*Route No.**Points and Places*

C. 43	St. Felicien, Chigoubich Lake, Ashuapmuchuan Lake, Nikabau Lake, Lake Chibougamau, Lac aux Dores, in the Province of Quebec;
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AND WHEREAS under date the 20th of September, 1939, the Board of Transport Commissioners has recommended that said Order in Council be rescinded, inasmuch as application for licence, in respect of the said points and places named therein, under the provisions of Section 15(1)(b) of The Transport Act, 1938, has been withdrawn;

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to rescind Order in Council, P.C. 1497, dated the 22nd of June, 1939, and it is hereby rescinded accordingly.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

P.C. 3266

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of October, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS Part III of The Transport Act, 1938, provides that the Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

AND WHEREAS Subsection 1 (a) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of international or inter-urban air transport services between points and places named by the Governor in Council;

AND WHEREAS Trans-Canada Air Lines has made application to the Board of Transport Commissioners for the issue of licences to transport passengers and goods by aircraft between the following points and places, namely:—

Toronto, Ontario - Buffalo, N.Y.

Toronto, Ontario - London, Ontario - Detroit, Michigan

Toronto, Ontario - New York, N.Y.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, and pursuant to the provisions of sub-section 1 (a) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of international air transport services between the above named points and places.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

P.C. 3353

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 27th day of October, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council, P.C. 569, dated March 14, 1939, the following points and places, designated for identification purposes by the route numbers shown, were named on the recommendation of the Board of Transport Commissioners for Canada, pursuant to the provisions of Section 15 (1) (b) of The Transport Act, 1938, for the purpose of making Part III of the said Act applicable to transport by air by means of reasonably regular air transport services between the said points and places:—

<i>Route Number</i>	<i>Points and Places</i>
C. 7	Big River, Dore Lake, Beauval, Ile à la Crosse, Buffalo Narrows, Lac la Loche, Province of Saskatchewan.
C. 8	Prince Albert, Montreal Lake, Lac la Ronge, Sulphide Lake, Dog Lake, Hepden Lake, Stanley, Souris River, Province of Saskatchewan.

AND WHEREAS under date of October 17, 1939, the Board of Transport Commissioners has recommended that Order in Council, P.C. 569, dated March 14, 1939, be rescinded in order to provide for the inclusion of Meadow Lake, Pine River, Clear Lake, Buffalo River, in Route Number C. 7, and Rottenstone Lake and Foster Lakes in Route Number C. 8, to which points and places the Board is of the opinion all of the provisions of The Transport Act, 1938, may fittingly be applied;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is hereby pleased to rescind Order in Council, P.C. 569, dated March 14, 1939, and to name the following points and places under the provisions of Section 15 (1) (b) of the Transport Act, 1938, namely:

<i>Route Number</i>	<i>Points and Places</i>
C. 7	Big River, Meadow Lake, Dore Lake, Beauval, Ile à la Crosse, Pine River, Clear Lake, Buffalo River, Buffalo Narrows, Lac la Loche, in the Province of Saskatchewan.
C. 8	Prince Albert, Montreal Lake, Lac la Ronge, Sulphide Lake, Dog Lake, Hepden Lake, Stanley, Souris River, Rottenstone Lake, Foster Lakes, in the Province of Saskatchewan.

such points and places to include the area surrounding the same where passengers embark or disembark, and goods shipped from and destined to the said points or places may be received and delivered.

H. W. LOTHROP,
Assistant Clerk of the Privy Council.

P.C. 3389

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of November, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas Section 13(1) of Part III of The Transport Act, 1938, provides that the Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of this Part, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas sub-section 1(b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of the said Part III may fittingly be applied to such air services;

And whereas under date the 3rd of August, 1939, the Board of Transport Commissioners for Canada has advised that it is of opinion that the provisions of Part III of The Transport Act, may fittingly be applied to the air services between the under-mentioned points and places, designated for identification purposes by the route number shown, and recommends that said points and places be named by the Governor in Council under the provisions of Section 15(1) (b), namely, as follows:—

Route No.

Points and Places

C. 52 Senneterre, Cameron Lake, Madeleine Lake, Waswanipi Lake,
in the Province of Quebec;

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

Now, therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of sub-section (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above-named points and places as recommended by The Board of Transport Commissioners for Canada.

H. W. LOTHROP,

Asst. Clerk of the Privy Council.

File 42007.5.4

NOTICE OF CHANGE OF SCHEDULED FREQUENCY

Authority has been given, effective November 1, 1939, to Quebec Airways Limited to suspend its weekly scheduled service to and from Rimouski in respect of Licence No. C.T.C. (A.T.) 36 and to substitute a service frequency "as and when demanded in accordance with the tariff provisions of the licensee".

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

OTTAWA, DECEMBER 1, 1939

No. 18

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Complaint of Shanahan's Limited, Vancouver, regarding proposed amendment in ratings on fruit juices in proposed Supplement No. 2 to Canadian Freight Classification No. 19, submitted by the Canadian Freight Association, for approval by the Board, under Section 322 of The Railway Act.

File No. 33365.119.3

JUDGMENT

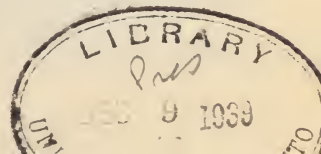
GARCEAU, DEPUTY CHIEF COMMISSIONER:

Items 1 to 4, inclusive, Page 127 of Canadian Freight Classification No. 19, read:

	L.C.L.	C.L.
"1. Fruit Juice, Unfermented:		
2. Citrus Fruit Juice, other than frozen (see Note 11), or Pineapple or Prune Juice, in barrels or boxes....	3	
C.L., min. wt. 24,000 lbs.		5
3. Note 11.—Ratings also apply on fruit juice colorings, the gross weight of which does not exceed 5 per cent of gross weight of shipment when shipped with fruit juices in same outer container.		
4. Fruit Juice, Unfermented, artificial or natural, N.O.I.B.N.:		
In glass in barrels or boxes, O.R.B.....	1	
In metal cans in barrels or boxes.....	2	
In packages named, C.L., min. wt. 24,000 lbs.....		4
In bulk in barrels.....	3	
In bulk in barrels, C.L., min. wt. 24,000 lbs.....		5"

Proposed Supplement No. 2 to the Classification provided for the cancellation of these items and the substitution thereof of the following provisions:

	L.C.L.	C.L.
Fruit Juice, unfermented, not concentrated, other than frozen (see Note 11):		
In glass in barrels or boxes, O.R.B.	1	
In inner containers, other than glass, in barrels or boxes.	3	
In bulk in barrels or boxes.....	3	
In packages named, C.L., min. wt. 24,000 lbs.		5
Note 11.—Ratings also apply on fruit juice colorings, the gross weight of which does not exceed 5 per cent of gross weight of shipment when shipped with fruit juices in same outer container.		



Shanahan's Limited, Vancouver, filed written submissions objecting to the proposed change, to which the Canadian Freight Association (hereinafter referred to as the "Association") replied, and, thereafter, the complainant requested that, before a decision was rendered, the matter be set down for hearing at a sittings of the Board in Vancouver. The request was granted, and Order No. 57376, dated May 3rd, 1939, approving the said Supplement to the Classification, required deletion of the proposed amendment with respect to fruit juice, pending final consideration thereof by the Board. The matter was heard at sittings of the Board in Vancouver on September 25th, 1939, in the presence of representatives of the complainant and the Association.

Complainant states that it is the Western Canada distributor of pure citrus fruit juice products for the Mission Dry Corporation of Los Angeles, Calif., which are described as Mission bottlers' base. It states "All of these products consist of pure fruit juices in concentrated form, the concentration being effected by the removal of the water, and the finished products contain no other ingredients except a small amount of sugar and preservative." It contends these products are properly covered by Items 1 and 2, page 127 of the Classification, which provide ratings of 3rd-class L.C.L., and 5th-class C.L. If the proposed change is approved, the products in question will come under Item 33, page 121, making the L.C.L. rating 2nd-class and the C.L. rating 4th-class. The Classification provision under the heading of this item reads:

	L.C.L.	C.L.
Beverage Syrup, Candy, Confectionery or Ice Cream Flavoring Compounds or Extracts, N.O.I.B.N. (see Note 2):		
Dry, in fibre or metal containers in barrels or boxes....	2	
Liquid or Paste:		
In glass in barrels or boxes, O.R.B.	1	
In metal cans in barrels or boxes or in bulk in barrels.	2	
In packages named, C.L., min. wt. 24,000 lbs.		4
Note 2.—Ratings apply on extracts or on natural or artificial concentrated fruit or vegetable juices or flavors for flavoring beverage syrups, candy, con- fectionery or ice cream.		

The effect of the proposed change, insofar as concerns unfermented fruit juice, not concentrated, (except as to citrus fruit juice), is to reduce the L.C.L. rating, when shipped in inner containers, other than glass, in barrels or boxes, from 2nd to 3rd-class, and the C.L. rating from 4th to 5th-class. The Association advises that the change was based upon an application to provide 5th-class carload rating on grape juice, unfermented and not concentrated. It is further stated that the applicant advised that the grape juice it was manufacturing was not concentrated juice; that there was grape juice manufactured that was concentrated or condensed; and suggested that, in changing the classification, the item could distinctly state that it applied only on not concentrated juice. It is stated this was the original intention of the item.

The Association does not admit that the provision for fruit juice on page 127 of the Classification is properly applicable because it submits that the so-called Mission bottlers' base, with the information furnished by complainant with respect thereto, clearly indicates that it is not fruit juice but a product of fruit juice. It appears that, for some time past, the complainants have been given the 3rd-class and 5th-class ratings, pending decision by the Board in this matter. On the other hand, Orange Crush Limited state that shipments from their western branches, Vancouver and Winnipeg, have been charged 2nd and 4th-class ratings, and the Secretary of the Alberta Bottlers (Soft Drink) Section, of the Canadian Manufacturers' Association, states that the Alberta bottlers are being charged 2nd-class L.C.L.

Complainant referred to the classification of these products in the United States, stating the Consolidated Freight Classification made provision for

"Citrus fruit juices, unfermented, unfrozen" with ratings of 3rd-class, L.C.L., and 5th-class, C.L. However, Exhibit 1, filed by the Association, shows that the Western Classification Committee has ruled that various articles known to the trade as bottlers' base and concentrates, and which include the products here under discussion, are rated as Flavouring Compounds, N.O.I.B.N., under Item 4, page 157 of Consolidated Freight Classification No. 13, which provides ratings of 2nd-class, L.C.L., and 3rd-class, C.L.

The complainant's reference to certain rates and mixing arrangements provided in the United States in special tariffs publishing eastbound trans-continental commodity rates is irrelevant because there is no relation between classification ratings and special commodity rates established under competitive, etc., conditions. The situation in this respect is no different from that in Canada with respect to many commodities.

Turning now to the real issue here involved, there are:

- (1) So-called bottlers' base, consisting of concentrated fruit juice, as well as synthetic extracts.
- (2) Beverage syrups, composed of synthetic extracts, also made from the juice of fruit.
- (3) Beverages (soft drinks) of various kinds, which are consumed without dilution.

Complainant agrees that the synthetic extracts should be rated 2nd-class, L.C.L., and 4th-class, C.L., stating they have a much higher price range than the concentrated fruit juice, and comparative values per gallon were given.

The bottlers' base consists of either a concentrated fruit juice or a synthetic extract, and is a very highly concentrated product. This is the first step or the base from which various beverages are finally prepared for consumption. This bottlers' base is then shipped from the manufacturer to the bottler, and the next step is to make up the beverage syrup. Taking the Mission Orange Bottlers' Base No. 330, upon which the complainant based his case, it was stated by complainant that the bottler makes up his beverage syrup by adding 12 gallons of 29° Baume Syrup to one gallon of bottlers' base. Then, to this beverage syrup, carbonated water is added to prepare the beverage for consumption. Mr. Shanahan stated (page 1830 of the evidence):

"We start off with the No. 330 Bottlers' Base, which we sell to the bottler, and by the time he adds the further quantity of sugar and water to it he has 70 gallons of finished drink, which he finally puts in the bottles."

It is stated that the extent of dilution varies on different products, also that the synthetic extract is extended or diluted a great deal further than in the case of the bottlers' base No. 330.

It is clearly obvious that the bulk and value of the beverages are vastly at variance with that of either the bottlers' base or the beverage syrup, consequently justifying a difference in the classification ratings. For example, in a price list submitted by complainant it is stated, with respect to Bottlers' Base No. 330: "Cost per case of 24, 6½-oz. bottles (syrup throw 1½-oz.) 16½ cents." It will be observed, therefore, that it costs 16½ cents to make up 156 ounces of the beverage ready for consumption, as compared with \$4.75 for one United States gallon (128 Imperial ounces) of the bottlers' base, yet complainant contends that both should have the same rating. In other words, to 107 ounces of bottlers' base there is added 1,280 ounces of Baume Syrup, producing 1,387 ounces of beverage syrup, 1½ ounces of which is used in each 6½ oz. bottle of the beverage, thus producing 925, 6½-oz. bottles, or 6,013 ounces of the beverage.

Some idea of the comparative values is furnished by the following prices:

BEVERAGES		Value per 100 lbs.
Coca Cola, 2 doz	.....	\$ 1.42
" " 4 "	.....	1.82
Canada Dry, 1 (qts.)	.....	4.12
" " 2 (pts.)	.....	4.95
" " 2 (spts.)	.....	6.60
Orange Crush	.....	2.00
Grape (not concentrated)	.....	7.00
Grape Fruit Juice	.....	7.00
Pineapple Juice	.....	6.00
Tomato Juice	.....	4.00
Lemon Sour	} 12 (qts.)	4.75
Sarsaparilla		
Ginger Beer		
Iron Brew		
Orange Drink 24-8	.....	4.93
SYRUPS OR EXTRACTS		
Coca Cola	.....	12.00
Canada Dry Ginger Ale	.....	15.00
Grape Juice (Concentrated)	.....	11.20
Orange	.....	17.50
Lemon	.....	17.50
Loganberry	.....	12.30

BOTTLETS' BASE		
Mission Bottlelets' Base	.....	42.00

The evidence shows the synthetic bottlelets' base to be considerably higher in value per gallon than the Mission Bottlelets' Base No. 330, but, in the absence of information as to the weight thereof, its value per 100 lbs. is unknown.

Without going back beyond 25 years, it may be stated that during this period the beverages have been rated 3rd-class, L.C.L., and 5th-class, C.L., and the beverage syrup 2nd-class, L.C.L., and 4th-class, C.L. In comparison with many other commodities in the Classification having similar transportation characteristics and similar range of values and weight, these commodities are properly classified. It is true that here, as in the case of many other commodities, there is a considerable range in price, but this feature has been before the Board in many cases. The Board has stated:

"Even on the same article there is a very wide range in values in many cases and there has never, in Canada or the United States, been that attempt at refinement that would provide for different ratings on the same article based solely on difference in value. With the very limited number of classes in the classification and the thousands of articles to be classified, the grouping of articles is necessarily more or less broad. Classification is not an exact science, nor may the ratings accorded a particular article be determined alone by the yardstick, the scales and the dollar. From its very nature and use, classification cannot be so minute as to do mathematically exact justice to every variety of commerce that may move." (Volume XXIII, Board's Judgments & Orders, p. 288).

"Refinement of classification is impossible with the limited number of merchandise classes, and goods have therefore to be broadly grouped. Mr. Dodd stated that woollen blankets ran from \$3 to \$25 per pair; yet they are grouped in one class, viz., 1st. The cheap hat or tweed cap is in the same class with silk hats; and so on with other lines of dry goods, boots and shoes, etc. The presumption is strong that if this application were granted the door would be open to others. The shoddy, or "union," blanket is intermediate in price between the flannelette (or cotton blanket) and the woollen blanket, and the price is not far below that of the cheaper grade of the latter." (Volume XXII, Board's Judgments & Orders, page 232).

"The grouping of articles must, of necessity, be more or less broad; hence a hat is a hat, silk is silk and tea is tea, no matter how the values may vary." (Volume XXII, Board's Judgments & Orders, page 232).

If there were a greater degree of refinement in the Classification, upon the record here the bottlers' base should be rated higher than the beverage syrup, and, in according the bottlers' base the same rating as beverage syrup, it certainly cannot be said that any injustice has been done with respect to the classification of the bottlers' base, in fact it would appear that it has been liberally dealt with by the Association.

Upon careful consideration of all that was advanced by the complainants as well as the submissions filed by Orange Crush (B.C.) Ltd., Vancouver; Secretary of the Alberta Bottlers (Soft Drink) Section, Canadian Manufacturers' Association; Orange Crush Limited, Toronto; and Consolidated Fruit Company Limited, Calgary; the proposed amendment to the Classification is approved and may be included in the next Supplement issued to Canadian Freight Classification No. 19.

OTTAWA, November 6th, 1939.

Commissioners Stoneman and Stone concurred.

ORDER No. 58213

In the matter of the Order of the Board No. 57376, dated May 3, 1939, approving Supplement No. 2 to Canadian Freight Classification No. 19, subject to the changes mentioned in the said Order;

And in the matter of complaint of Shanahan's Limited, of Vancouver, regarding proposed amendment in ratings on fruit juices.

File No. 33365.119.3

WEDNESDAY, the 8th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Vancouver, September 25, 1939, in the presence of representatives of Shanahan's Limited and the Canadian Freight Association, and what was alleged; and upon reading the written submissions filed on behalf of Orange Crush (B.C.) Limited; Alberta Bottlers (Soft Drink) Section, Canadian Manufacturers' Association; Orange Crush Limited, Toronto; and Consolidated Fruit Company Limited, Calgary—

It is ordered: That Items 2 and 4, page 9, of proposed Supplement No. 2 to Canadian Freight Classification No. 19 be, and they are hereby, approved as follows, namely:—

	L.C.L.	C.L.
Fruit juice, unfermented, not concentrated, other than frozen (see Note 11):		
In glass in barrels or boxes, O.R.B.	1	
In inner containers, other than glass, in barrels or boxes..	3	
In bulk in barrels or boxes.	3	
In packages named, C.L., min. wt. 24,000 lbs.		5

NOTE.11.—Ratings also apply on fruit juice colourings, the gross weight of which does not exceed 5 per cent of gross weight of shipment when shipped with fruit juices in same outer container.

HUGH WARDROPE,
Assistant Chief Commissioner.

Application of Arrow Airways Limited for a licence under the provisions of The Transport Act, 1938, to transport goods and passengers by aircraft between Brochet, Man., and Goldfields, Sask.

File No. 42007.6.4.

JUDGMENT

GARCEAU, DEPUTY CHIEF COMMISSIONER:

Applicant originally made application for a licence to transport passengers and goods between Flin Flon, Island Falls, South End, Rabbit River and Brochet, and submitted evidence satisfactory to the Board to justify issuance of a licence between said points pursuant to Section 5(2) of the Act. It is therein provided that, if evidence is offered to prove that, during the period of 12 months next preceding the coming into force of the relevant part of this Act, on the route between specified points and places in Canada, the applicant was bona fide engaged in the business of transport and using aircraft for the purpose of such business, the Board shall, if satisfied with such proof, accept the same as evidence of public convenience and necessity and issue a licence accordingly. Air Transport Licence, C.T.C. No. (A.T. 53), authorizing the transport of passengers and goods between said points, was issued to the applicant on October 25th, 1939.

Subsequently, the applicant applied to extend its licensed service from Brochet to Goldfields. As it had never operated aircraft between these points at any time, this proposed extension of service comes under the provisions of Section 5(1) of the Act, which directs the Board, amongst other things, to determine whether public convenience and necessity require such transport. The matter was set down for hearing at sittings of the Board in Winnipeg on October 10th, in order to receive evidence from the standpoint of public convenience and necessity as well as hearing representations of any other interested parties. No objections were made by other air carriers with respect to the proposed service between Brochet and Goldfields.

Counsel for applicant admitted he had very little upon which to support the application and that he could not prove necessity. He suggested that some traffic might be developed from trappers and traders between Brochet and Goldfields. However, the application does not provide for any calls at such intermediate points. No information was given as to the places where such traffic might be developed, or the population. Nothing was submitted indicating that anyone had asked for such a service. Goldfields has an adequate air transport service under licence granted to Canadian Airways Limited on a route between Prince Albert and Goldfields.

Applicant stated a large percentage of the traffic developed by it within the general area of its operations is in connection with mining, and that it is only natural that there should be traffic between two such areas where mining or other people have interests in both districts. It is observed that the applicant does not specifically state that there are such persons with interests in the district here in question and in another district, and, before accepting such a general statement, the Board would require some evidence in support of it. No evidence was given concerning the mining activity in the district covered by the route between Flin Flon and Brochet or between Brochet and Goldfields. The goods carried by applicant on the Flin Flon-Brochet route during the 12 months preceding July 1st, 1938, which is the date the Act was assented to, were for the Roman Catholic Mission, the Hudson Bay Company, the Department of Indian Affairs, the Saskatchewan Department of Natural Resources, and E. Shieff, merchant. No particulars were furnished concerning mining or other people who actually have interests in both districts.

Upon what is before the Board on this record, it is not shown that public convenience and necessity require the transport applied for between Brochet and Goldfields, and the application is refused.

OTTAWA, November 6th, 1939.

Commissioners Stoneman and Stone concurred.

ORDER No. 58227

In the matter of the application of Arrow Airways Limited, under Sections 5 (1) and 13 of The Transport Act, 1938 for a licence to transport by aircraft passengers and/or goods between Brochet, Manitoba, and Goldfields, Saskatchewan.

File No. 42007.6.4

WEDNESDAY, the 8th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board at Winnipeg, Manitoba, October 10, 1939, in the presence of Counsel and a representative of Arrow Airways Limited and Counsel for Wings Limited, and what was alleged—

It is ordered: That the application be, and it is hereby, dismissed.

HUGH WARDROPE,
Assistant Chief Commissioner.

In the matter of Tariff Regulations of Air Carriers, subject to the provisions of the Transport Act, 1938, in respect of plane-load lot rates on less than plane-load lot shipments for organized business firms.

File 42379

JUDGMENT

By the Board:

On August 27, 1939, the Board's attention was directed to the following tariff provision:—

"P.L.L. rates, where published, will apply to all shipments of organized business firms such as mining companies, stores, hotels, government agencies and religious institutions; provided that the P.L.L. rate shall apply only to shipments for the account of such institutions and may not be applied to shipments made by them for the account of individuals unless the latter shipments fall within P.L.L. category by weight."

which is published in the following tariffs:—

Canadian Airways Limited.. . . .	C.T.C. 1, page 4, Rule 6 (b)
M. & C. Aviation Co. Ltd..	C.T.C. 1, page 4, Rule 6 (b)
Starratt Airways & Transportation Limited..	C.T.C. 2, page 11, Rule 11 (b)
Wings Limited..	C.T.C. 1, page 6, Rule 6 (b)

A ruling was requested as to whether the plane-load lot rate could be accorded to less than plane-load lots of merchandise forwarded by a mail order house to its agent at a destination served by the said Air Companies, when such agent was not a "store"; such merchandise representing a collation of orders secured by the "agent" for individuals located at the point in question and which were combined into one or more parcels consigned to the "agent" for distribution.

Submissions of each of the said companies were solicited and have been received but in view of the decision reached it will not be necessary to rule upon the specific question referred to.

The effect of the quoted rule is to accord the benefit of the lower plane-load lot rate to less than plane-load quantities without requiring a minimum tonnage per shipment. In general plane-load lot rates are limited to shipments of 1,000 pounds or over per shipment. This proviso is published in the foregoing tariffs as follows:—

"The plane-load lot shall consist of 1,000 pounds or over, shipped at one time to one destination and consignee, and on one account. Passenger weights are not included."

While some doubt may exist as to the meaning of the words "and on one account" the rule is interpreted to have the same effect as that applicable to a carload by railway wherein, by Rule 9 of Canadian Freight Classification No. 19, it is defined as follows:—

"Carload ratings or rates apply only when a carload of freight is shipped from one station, in or on one car, in one day, by one shipper for delivery to one consignee at one destination. Only one bill of lading from one loading point and one freight bill shall be issued for such C.L. shipment."

There can be no doubt that the intention of the rule here under review is to accord plane-load lot rates without observing the tonnage minimum for certain classes of the public while requiring others, not eligible to obtain the same concession because of their status, to pay less than plane lot rates, while all such traffic is moved between the same points and under the same transportation conditions. It is clear that the rule effects a distinction as to persons and not as to the actual class of traffic.

Section 24 of The Transport Act, 1938, reading as follows:—

"24 (1). All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in like manner over the same route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

(2) No reduction or advance in any such tolls shall be made either directly or indirectly, in favour of or against any particular passenger or shipper."

is a clear direction to the Board that traffic of the nature herein discussed shall be required to conform to the provisions of the Statute.

No satisfactory defence of the tariff provision has been received. One company submitted its views as follows:—

"Prior to the coming into effect of the Transport Act, it was, and it still is, the practice of carriers to grant the P.L.L. rate to Mines, Stores of *all types*, Moving Picture Houses and Hotels, based on the following facts:—

1. Their air freight, spread over a year, amounts to considerable volume and at the same time, movement is not concentrated in a short space of time.

2. Their freight is invariably carried on regular schedules.
3. In the case of a merchant it creates a spread between dealer and consumer, encouraging the latter to patronize local merchants, which, I am sure you will agree, contributes to sound local business."

These views were amplified further by the following submission:—

"If it is ruled by the Board that the L.P.L. rate shall apply on Company shipments, what assurance has any Transportation company that a competitor could not solicit this business at a lower rate and cover such action with a supplement to the original tariff."

but such submission has no relevancy to the tariff provision under review. Where licensed operations are involved it is incumbent upon the licensee to publish its rates in accordance with the Board's regulations. If independent action is taken by any one carrier in the manner suggested the onus rests upon such carrier to justify it upon any complaint being made to the Board or upon any proceedings which the Board itself may initiate.

With respect to the principles here involved, they are similar to matters considered in the early days of railway regulation. Prior to the enactment of the Railway Act many practices formerly indulged in by the rail carriers were abolished under the statutory provisions of the Act, and a brief summary of three such cases will be apposite in the present circumstances.

In "Manufacturers' Construction Material Rates" (3 Can. Rly. Cases 427) certain railway companies applied to the Board for authority to continue a former practice of granting reductions in freight rates on construction material and machinery for equipment of new industrial plants. The object of the concession was stated to be to encourage the establishment of manufacturing plants or for development of plants already established. The reduction was confined to the parties interested in the operation of the plant after it was installed but was not accorded to the contractors who erected the building or supplied the machinery. In commenting on the application, the Board stated:—

"It will be observed that the application is for permission to the Railway Companies to make concessions from current rates on material for the construction and machinery for the equipment of new industrial plants, etc. Authority, if given in such general terms, would allow a railway company to be the sole judge as to the cases in which reductions on rates should be granted. The railway company would be authorized to determine as to whether the new industry proposed to be established or the old one to be further developed were entitled to receive these favours, and with such a power conferred upon the Company a door would be opened in the opinion of the Board, for widespread discrimination in freight rates upon the carriage of all merchandise of the description embraced within the order."

The application was dismissed.

In "The Manufacturers' Coal Rates Case" (3 Can. Rly. Cases 438) the Board dealt with an application for ruling as to whether the railway company could continue a difference in the rate on bituminous coal between certain points on its line, such reduced rates being in favour of the manufacturer as compared with those charged the dealer or consumer. The difference in rate was justified by the railway on the alleged ground that certain manufacturers would be unable to pay a higher rate and continue in business. The Judgment reads as follows:—

"This application for the Board's permission to continue the differential rate, if the same is to be continued, becomes necessary by reason of

certain provisions contained in the Railway Act of 1903. Section 252 provides that Railway tolls shall, under substantially similar conditions and circumstances, be charged equally to all persons and at the same rate, and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular person or company using the Railway.

There is a clause, namely: Subsection 4 of section 275, which, under certain special circumstances, qualifies section 252 and vests a discretion in the Board under certain expressed conditions to sanction a reduction in the ordinary tolls; but it will suffice to say that the application before us does not come within the purview of this clause. The question, therefore, for the Board to determine is: Can the present application be properly entertained?

We are of opinion that it can not. No evidence has been offered to show that the manufacturers would, if the reduced rate were not allowed by the Railway, be unable to carry on their business. On the contrary, the statement of the applicant company is: That the manufacturers have threatened not to close their factory, but to arrange for their coal shipments being made by water: by which means, the manufacturing companies say, the freight on their coal will not exceed 80 cents per ton.

Even if it had conclusively appeared that a refusal to allow the reduction in the rate to 80 cents per ton would injuriously affect the manufacturers' interests, the case would not be thereby altered. The law is clear that the allowance of a reduction in the freight rate on any article of merchandise to one class of shippers and refusal of the same rate to another is unjust discrimination, and unjust discrimination is prohibited by the Railway Act.

Common carriers are bound by every principle of justice and of law to accord equal rights to all shippers who are entitled to like treatment, both in the receiving of supplies and the shipment of their products; and a carrier who, under any pretext whatsoever, grants to one shipper an advantage which he denies to another violates the spirit and thwarts the purpose of the law. This is the statement of a conclusion arrived at by the Interstate Commerce Commission in a question very similar to the present; and will be found in a case of *Castle v. Baltimore and Ohio R.W. Co.*, 8 Interstate Commerce Report 333, and to this judgment and opinion this Board subscribes.

The matter resolves itself, therefore, practically into one for the consideration of the Railway Company, and in the judgment of this Board, for the Railway Company alone.

The Company has it in its power to propose to the Board a rate to manufacturers of 80 cents per ton and thereby secure the carriage over its line of the manufacturers' coal supply, but it can only do so by making the same rate to all its patrons, dealers, consumers and manufacturers alike.

The application of the Grand Trunk R.W. Co. for the ruling asked for must therefore be denied."

In "The Brant Milling Company's Case" (4 Can. Rly. Cases 259) an application was made by the Brant Milling Company for an order allowing the railway to continue a cartage allowance to cover the cost of hauling its products from the mill to the railway. The allowance formerly given was withdrawn after the Railway Act, 1903, came into force. The Board held that:—

"There is nothing unjust or unreasonable in a railway company charging the Brant Milling Company the same rates as other shippers

for goods transported from its St. George station to other points; in fact it would be unreasonable for the Board to compel a railway company to charge less to the Brant Milling Company than to other companies for exactly the same service, in order to compensate the Brant Milling Company for any greater expense to which it might be put in hauling its goods to the station."

"The only method by which, as it seems to me, any such allowance could hereafter be properly made by the railway company to the Brant Milling Company would be under special tariff providing either for free cartage from the railway stations to consignees' premises, or by allowances in lieu thereof, made in such a way as to be general in character for all goods or, specified class of goods, and framed in such a way as not to discriminate between different localities."

In view of the similarity of circumstances of the matter presently involved with the cases summarized above, we have reached the conclusion that the provision for plane load lot rates on less than plane load quantities for specified classes of persons contravenes Section 24 of The Transport Act, 1938, and it is, therefore, disallowed. The companies stated herein are required to remove such provisions from their tariffs effective on or before January 1, 1940. No order will be entered at this time.

OTTAWA, November 10, 1939.

Consideration of objections to proposal to amend Canadian Freight Classification No. 19 by the inclusion of Boots and Shoes of all kinds under the distinctive heading of "Rubber and Rubber Goods" at ratings of 1st-class, L.C.L., and 3rd-class, C.L., minimum weight 20,000 pounds.

File No. 33365.119.

JUDGMENT

WARDROPE, ASSISTANT CHIEF COMMISSIONER:

What is here involved concerns mixed carload shipments from Eastern Canadian points to points in Western Canada under the provisions of Section 2 (a) of Rule 10 of Canadian Freight Classification No. 19, which stipulates:—

"Unless otherwise provided, articles under different *Distinctive Headings* (see Note) or articles that are not classified under *Distinctive Headings* will not be taken in mixed carloads at carload rates. When a number of different articles under one *Distinctive Heading*, for which carload ratings are provided, are shipped at one time by one consignor to one consignee and destination, in a carload (see Rule 9), they will be charged at the rate applicable to the article taking the highest carload rate and the carload minimum weight will be the highest provided for any of the articles in the carload."

"NOTE.—The distinctive headings referred to in paragraph (a), Section 2, are shown in capital letters, as 'AGRICULTURAL IMPLEMENTS,' 'GROCERIES,' 'HARDWARE,' etc."

On page 57 of the Classification, Boots and Shoes of all kinds are classified at ratings of 1st-class, L.C.L., and 3rd-class C.L., minimum weight 20,000

pounds. On pages 205 and 206, under the distinctive heading "Rubber and Rubber Goods," numerous articles of rubber and rubber goods are classified, including an item reading:—

	L.C.L.	C.L.
"Boots and Shoes, Rubber or Rubber and Canvas, Felt and Wool combined, in boxes.	1	3"
C.L., min. wt. 20,000 lbs., Rule 7.		

In proposed Supplement No. 2 to the Classification, this item was changed to read:—

	L.C.L.	C.L.
"Boots and Shoes, Rubber or Rubber and Canvas, Felt and Wool combined, or Boots or Shoes, N.O.I.B.N., including Leather Boots or Shoes, in boxes.	1	3"
C.L., min. wt. 20,000 lbs., Rule 7.		

The situation, therefore, is that, while at present, in mixed carloads with rubber goods, there may be included only boots and shoes, rubber or rubber and canvas, felt and wool combined, it is proposed to permit the inclusion therein of leather and all kinds of boots and shoes. In other words, it is now necessary to ship a carload quantity of boots and shoes at one time in order to obtain the carload rate except with respect to those consisting of rubber or rubber and canvas, felt and wool combined where less than carload quantities thereof may be included in mixed carloads with rubber goods and obtain the carload rate. Under what is proposed, less than carload quantities of all kinds of boots and shoes may obtain the carload rate by inclusion in mixed carloads with rubber goods.

The Board received objections to the proposed change from the Muirhead Forwarding Company as well as many footwear manufacturers, also the Quebec Shoe Manufacturers' Association and the Federation of Chambers of Commerce of the Province of Quebec. The Muirhead Forwarding Company purported to represent the Shoe Manufacturers for whom it provides a pool car service, that is to say there is no individual manufacturer who can ship a carload quantity at one time, consequently the less than carload shipments of various manufacturers are assembled and shipped as a carload by the forwarding company. Order No. 57376, dated May 3, 1939, approving Supplement No. 2 to the Classification, required the deletion of this proposed amendment pending a public hearing by the Board, which had been applied for, and final consideration thereof. The matter was heard at sittings of the Board in Toronto on June 9, and in Montreal on October 30, in the presence of representatives of the interested parties.

The Canadian Freight Association stated the proposed change was based upon an application from Gutta Percha and Rubber Limited, Toronto, and approved by the Classification Committee, "it being understood by our Committee that the manufacturers of leather boots and shoes had been advised of the proposal and had taken no exception thereto." It further stated that "our Committee are not joining with either the applicant or protestants in support of their contentions."

In its application to the Classification Committee, Gutta Percha and Rubber Limited sets out that, to meet competition, it is manufacturing a line of cheap leather shoes which sell from 90 cents to \$1.80 per pair and are used principally around summer camps and cottages. It points out that rubber or rubber and canvas, felt and wool combined shoes may be included in mixed cars with rubber goods, and it desires that all shoes be accorded the same mixing privileges, stating: "We are simply asking for the privilege of shipping our own products from our factory to our branch warehouses at the carload rate." At the hearings, the Rubber Association of Canada and other rubber companies supported the application.

It appears from the record that there are three rubber companies making this cheap leather shoe and five shoe manufacturers in the province of Quebec making the same kind of footwear; that there are 80 footwear manufacturers

in Ontario and 172 in Quebec. It is stated there are eight or nine rubber tire manufacturers in Ontario and one in Quebec; that the Quebec company has never shipped a carload of tires to Western Canada.

The footwear manufacturers who objected to the proposed amendment to the Classification contend that it would give the applicant and Ontario boot and shoe manufacturers an unfair advantage and they would be handicapped. Their objections may be summarized as follows:—

The manufacturer of rubber tires, etc., which move in large volume, would enjoy the carload rate on small quantities of shoes shipped in mixed cars with tires, etc., while the objecting footwear manufacturers would have to ship in carload quantities to obtain the carload rate. If the Ontario footwear manufacturers, located conveniently to the rubber manufacturers, are permitted to include small quantities of all kinds of shoes in mixed cars with rubber goods, it would enable them to secure frequent shipment at carload rates on practically their entire Western Canadian business. It was stated that there are at present weekly carload shipments of rubber goods from Ontario to various points in Western Canada. Footwear manufacturers in the province of Quebec would be unable to ship under similar conditions, because there is no such carload movement of rubber goods from points in that province. From points in Quebec, it is stated, there are two pool car shipments per month of boots and shoes; that approximately 70 per cent of the footwear for Western Canada is forwarded by pool car and the balance at less than carload rates. It was asserted that, if the footwear manufacturers were to ship in the rubber companies' cars, it would disclose to a competitor the names of their customers, quantities and values, without their being able to secure this information with respect to their competitor. While the purchaser in Western Canada, generally speaking, pays the freight charges, it is only natural that he will make the most of his purchases from the points from which freight charges are lowest, which would be from the Ontario manufacturers, under conditions as above set out.

It was submitted by a representative appearing for the applicant that there would be no undue preference or unjust discrimination as between shippers and localities, as the Classification provisions will apply equally to all, although, of course, the extent to which they could be used by shippers might vary. If, however, the provisions of the Classification actually work out so that they enable certain shippers and localities to have an advantage that cannot be enjoyed by other shippers and localities, it would seem clear that such provisions should not receive the Board's approval. The Board has stated that, with respect to classification ratings, "consideration must be given to the effect the granting of such a request would have upon the business of other manufacturers." (Application of H. E. Ledoux for carload rating on cigars, Vol. 1, Board's Judgment and Orders, p. 29.) Similar consideration influenced the Board's refusal to add flannelette sheets to the dry goods list at the same ratings as provided for cotton piece goods (Vol. 3, Board's Judgments and Orders, p. 93).

So far as concerns the desire of applicant to ship its own products at the carload rate, it is observed that the proposed amendment permits the inclusion with rubber goods of not only the cheap leather shoes manufactured by applicant but all kinds of shoes not made by it, whether low-priced or high-priced. There are many of the rubber products of the rubber companies not provided with a carload rating and which cannot be shipped in mixed cars with rubber goods at carload rates. Some of these rubber products are:—

Cloth, rubber faced,

Cushions or mattresses, air, deflated,

Plumbers' force pumps,
 Pads,
 Sheet rubber,
 Sponge rubber seat cushions or backs,
 Rubber tubes or tubing,
 Corks,
 Shower bath curtains,
 Erasers,
 Valves, gaskets and washers,
 Gloves,
 Hockey pucks,
 Tobacco pouches,
 Hot water bottles,
 Ice bags,
 Bathing caps,
 Aprons.

There are many manufacturers who cannot ship all their products in mixed cars at the carload rate. Numerous articles handled by the stationery trade cannot be shipped in stationery cars at the carload rate. The same is true with respect to the dry goods list, the harness and saddlery list, and others.

At present, the rubber goods list includes only articles made of rubber or combined with rubber, and it seems inconsistent to start placing articles in this list which are foreign to rubber goods. If applicants started to manufacture other articles with no rubber content and quite foreign to rubber goods should they be placed in the rubber goods list merely to enable less than carload quantities thereof to obtain the carload rate? I do not think so. These so-called trade lists would become unrecognizable as such if that practice were to be followed.

The Board has, in several of its judgments, pointed out that, speaking generally, the Classification represents the work of joint committees of shippers and carriers. Having been arrived at in this manner, it follows that it contains compromises and that apparent anomalies and inconsistencies may be found.

Upon careful consideration of the record in this case, I consider the proposed classification amendment should be disallowed.

OTTAWA, November 14th, 1939.

Commissioner Stoneman concurred.

ORDER No. 58242

In the matter of the Order of the Board No. 57376, dated May 3, 1939, approving Supplement No. 2 to Canadian Freight Classification No. 19, subject to the changes mentioned in the said Order;

And in the matter of the consideration of objections to proposal to amend the said Classification by the inclusion of boots and shoes of all kinds under the distinctive heading of "Rubber and Rubber Goods," at ratings of 1st class, less than carloads, and 3rd class, carloads, minimum weight 20,000 pounds.

File No. 33365.119

SATURDAY, the 18th day of November, A.D. 1939.

HUGH WARDROPE, Asst. Chief Commissioner.

J. A. STONEMAN, Commissioner.

Upon consideration of written submissions and hearing the matter at the sittings of the Board held at Toronto, June 9, 1939, and at Montreal, October 30,

1939, in the presence of Counsel for and representatives of the Canadian Freight Association, The Rubber Association of Canada and rubber companies, Muirhead Forwarding Company, B. F. Goodrich Rubber Company of Canada Limited, The Robert Simpson Company Limited, The T. Eaton Company Limited, The Quebec Shoe Manufacturers' Association, the Montreal Board of Trade, and boot and shoe manufacturers of the Province of Quebec, and the Toronto Board of Trade, and what was alleged—

It is ordered: That Items 36 and 37, page 13, in proposed Supplement No. 2 to Canadian Freight Classification No. 19, be, and they are hereby, disallowed.

HUGH WARDROPE,
Assistant Chief Commissioner.

Consideration of the question of the proposed widening of the Canadian National Railways Bridge which crosses Riverside Drive at Cowichan Lake, Vancouver Island, B.C., and of the apportionment of the cost of constructing and maintaining the same.

File 40098.

Heard at Victoria, B.C., September 28, 1939.

JUDGMENT

STONE, COMMISSIONER:

On June 17, 1936, the Department of Public Works for British Columbia made application to the Canadian National Railways for the widening, at the expense of the Railway Company, of the railway bridge which crosses over the highway at Riverside Drive at Cowichan Lake, Vancouver Island, B.C., from the present width of fourteen feet to a minimum width of twenty feet.

The Canadian National Railways in letters addressed by the General Superintendent at Vancouver, B.C., to the Department of Public Works for British Columbia, under date of August 10 and September 8, 1936, agreed to provide the twenty-foot opening asked for, but objected to the Railway Company paying any portion of the cost of the proposed change.

On October 15, 1936, the Provincial Department of Public Works forwarded to the Board a copy of its application to the Railway Company, with copies of the accompanying correspondence, together with copies of Registered Plan No. 1231, as deposited in the Land Registry Office at Victoria, B.C., which plan dedicated Riverside Drive as a public highway, as of August 8, 1911. Also enclosed were copies of Plan No. R-927, showing location of the Canadian Northern Pacific Railway Company's line (now Canadian National Railways), over Riverside Drive, which was dated September 15, 1914.

The Provincial Department of Public Works asked for the consideration of the Board in the matter of the widening of the bridge, which was considered necessary by that department, and as to the apportionment of the cost, which it was considered should be undertaken at the expense of the Railway Company.

The Department of Public Works for the province of British Columbia contended, in its submissions, that, as the public highway antedated the construction of the railway, all costs for the proposed improvements, where the railway crosses this highway at Riverside Drive, should be borne by the Canadian National Railways.

The Railway Company contended that the dimensions of the present structure were completed as approved by the Government of British Columbia

and that the highway traffic was adequately accommodated when the bridge was originally erected; that the changes now requested by the Department of Public Works for British Columbia are because of the expansion and demands of highway traffic and that, therefore, it is only reasonable to assume that the expense of the desired changes should be borne by the interests which call for them.

Subsequent correspondence did not bring about an adjustment of the differences of opinion and the case was eventually heard by the Board at Victoria, B.C., on September 28, 1939.

Mr. W. W. Bell, Divisional Engineer, appeared on behalf of the Department of Public Works for the province of British Columbia, while Mr. A. R. McLeod, Counsel, and Mr. St. John Munroe, Division Engineer, appeared for the Canadian National Railways.

At the hearing, the applicant contended that the width of the bridge over the highway should be extended to thirty feet, instead of to twenty feet, as previously proposed, this being considered necessary to take care of pedestrian as well as vehicular traffic, preferably with a clear opening of thirty feet between the bridge supports. No plans of the proposed change, or estimate of the costs involved were submitted.

Mr. St. John Munroe explained that the railway was carried over the highway on a wooden trestle with openings 14 feet 6 inches wide; there were probably a score of these standard openings or bents until the river was reached, over which the railway was carried on steel spans. He suggested that two of these openings could be used with little expense, provided a column was allowed in the centre of the highway and the direction of traffic divided on each side of the centre support.

With the meagre information furnished the Board as to plans and costs, it was decided that the Board's Engineer should consult with and assist the Engineers of the British Columbia Department of Public Works and of the Railway Company, in working out a solution of the recent proposition for a thirty-foot opening, and file their submissions.

It was further agreed that the Railway Company would maintain the structure as heretofore and the costs of construction would be a matter for disposition by the Board.

Submissions have since been received from the Department of Public Works for British Columbia and the Canadian National Railways, as also a report from the Board's Engineer, together with Plan No. R-521-4, dated October 18, 1939, at Victoria, B.C. The submissions propose that two of the openings or bents of the present trestle be used for the highway known as Riverside Drive, and set forth that the construction work, including the necessary grading of the highway, sidewalks, erection of signs, etc., can be completed at an estimated sum of \$500.

The Railway Company admits the disadvantages of having wooden struts buried just below a road surface and suggests that these be renewed between the sills of bents 2 and 3 and bents 5 and 6, as indicated on the blue print, these new struts to be notched over and bolted to the sills in each case. These changes will extend the life of this twenty-six-year-old structure.

In consideration of all that is involved in this application and of the recommendation made by the Engineering Department of the Board, and the consent of the Provincial Department of Public Works, I am of the opinion that this being a secondary highway, the dimensions and clearances of this structure, as defined on plan No. R-521-4 should be approved and the costs of construction divided equally between the Department of Public Works for the

province of British Columbia and the Canadian National Railways; the maintenance costs to be borne by the Railway Company as heretofore; order of the Board to issue accordingly.

OTTAWA, November 16, 1939.

The Deputy Chief Commissioner and Commissioner Stoneman concurred.

ORDER No. 58261

In the matter of the application of the Department of Public Works for the province of British Columbia, hereinafter called the "Applicant," under Sections 251 and 257 of the Railway Act, for leave to widen the bridge carrying the Canadian National Railways across Riverside Drive at Cowichan Lake, Vancouver Island, mileage 73.3 from Victoria, as shown on plan No. R-521-4, dated October 18, 1939, on file with the Board under file No. 40098.

FRIDAY, the 17th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Victoria, British Columbia, September 28, 1939, in the presence of Counsel for the Railway Company and a representative of the Applicant, and what was alleged—

It is ordered: That the Canadian National Railways be, and they are hereby, authorized to reconstruct the bridge carrying their railway across Riverside Drive at Cowichan Lake, Vancouver Island, in the Province of British Columbia, mileage 73.3 from Victoria, as shown on the said plan on file with the Board under file No. 40098; detail plans of the proposed structure to be filed for the approval of an Engineer of the Board.

2. That the cost of the said work be divided equally between the Applicant and the Canadian National Railways; and that the cost of maintaining the said bridge be borne and paid as heretofore by the Canadian National Railways.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58193

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 3rd day of November, A.D., 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in item 53 of Supplement No. 55 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under

Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 53 of Supplement No. 55 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item 53	From	Cents per barrel
	Kentville, N.S.	24
	Berwick, N.S.	26½
	Annapolis, N.S.	29½
	Kingsport, N.S.	26½
	Weston, N.S.	27

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58194

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

FRIDAY, the 3rd day of November, A.D., 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in item 50A of Supplement No. 6 to Tariff C.T.C. No. E. 2769, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 50A of Supplement No. 6 to Tariff C.T.C. No. E. 2769, approved herein, are as follows:—

Item 50A	To	Cents per 100 pounds			
		Via Riviere du Loup, Que. B N		Via Edmundston, N.B.	
	Cabano, Que.	11·7	14·6		
	Couturier, Que.	7·2	9·0		
	Edmundston, N.B.	7·7	9·6		
	Notre Dame du Lac, Que.	11·7	14·6		
	St. Honore, Que.	9·4	11·8		
	St. Louis du Ha Ha, Que.	10·5	13·1		
	St. Modeste, Que.	5·0	6·3		
	Vauban, Que.	9·4	11·8		
	Whitworth, Que.	7·2	9·0		
	To	B	N	B	N
	Baker Brook, N.B.	7·7	9·6	5·3	6·6
	Caron Brook, N.B.	7·5	9·4	5·1	6·4
	Clairs, N.B.	7·7	9·6	5·3	6·6
	Connors, N.B.	11·3	14·1	8·6	10·8
	Ledges, N.B.	8·6	10·8	7·6	9·5
	Little River Mills, N.B.	11·3	14·1	8·6	10·8
	St. Hilaire, N.B.	7·7	9·6	5·3	6·6
	St. Jacques Church, N.B.	10·5	13·1	5·3	6·6
	Ste. Rose, Que.	12·6	15·8	7·6	9·5

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58198

In the matter of the application of Starratt Airways & Transportation Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 3 and Standard Goods Tariff C.T.C. No. 4, on file with the Board under file No. 42017.9.

FRIDAY, the 3rd day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 3 and Standard Goods Tariff C.T.C. No. 4 of the Starratt Airways & Transportation Limited, on file with the Board under file No. 42017.9, effective August 31, 1939, be, and they are hereby, approved.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58205

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Toronto, Ontario, and Buffalo, New York, in the United States of America.

File No. 42007.10.3

MONDAY, the 6th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between Toronto, Ontario, and Buffalo, New York, which points and places are named by the Governor in Council in Order in Council P.C. 3266, dated October 25, 1939, pursuant to the provisions of Section 15 (1) (a) of the said Act;

And whereas the Board has determined that public convenience and necessity require such transport—

Therefore it is ordered:

1. That licence C.T.C. No. (A.T.) 55 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the provisions of the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58206

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Toronto, Ontario, and Detroit, Michigan, in the United States of America.

File No. 42007.10.4

MONDAY, the 6th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between Toronto, Ontario, London, Ontario, and Detroit, Michigan, which points and places are named by the Governor in Council in Order in Council P.C. 3266, dated October 25, 1939, pursuant to the provisions of Section 15 (1) (a) of the said Act;

And whereas the Board has determined that public convenience and necessity require such transport—

Therefore it is ordered:

1. That Licence C.T.C. No. (A.T.) 56 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the provisions of the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58207

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Toronto, Ontario, and New York, New York, in the United States of America.

File No. 42007.10.5

MONDAY, the 6th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the Applicant has applied for a licence under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between Toronto, Ontario, and New York, New York, which points and places are named by the Governor in Council in Order in Council P.C. 3266, dated October 25, 1939, pursuant to the provisions of Section 15 (1) (a) of the said Act;

And whereas the Board has determined that public convenience and necessity require such transport—

Therefore it is ordered:

1. That Licence C.T.C. No. (A.T.) 57 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the provisions of the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58211

In the matter of the application of Wings Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 2 and Standard Goods Tariff C.T.C. No. 3, on file with the Board under file No. 42017.10.

WEDNESDAY, the 8th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered:

That the said Standard Passenger Tariff C.T.C. No. 2 and Standard Goods Tariff C.T.C. No. 3 of Wings Limited, effective August 21, 1939, on file with the Board under file No. 42017.10, be, and they are hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58216

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 8th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

It is ordered:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 77 to Tariff C.T.C. No. E.1244
Supplement No. 31 to Tariff C.T.C. No. E.1256
Supplement No. 51 to Tariff C.T.C. No. E.1906
Supplement No. 65 to Tariff C.T.C. No. E.1911
Supplement No. 66 to Tariff C.T.C. No. E.1911
Supplement No. 5 to Tariff C.T.C. No. E.1920
Supplement No. 37 to Tariff C.T.C. No. E.2526
Tariff C.T.C. No. E.3134

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58218

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.10

WEDNESDAY, the 8th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published on lime and limestone in Supplement No. 13 to Tariff C.T.C. No. 3, filed by the Maritime Coal, Railway & Power Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 13 to Tariff C.T.C. No. 3, on lime and limestone, approved herein, is 3 cents per 100 pounds.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58222

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 8th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Item 95-C of Supplement No. 27 to Tariff C.T.C. No. 986, to Truro, Nova Scotia, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the said Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 95-C of Supplement No. 27 to Tariff C.T.C. No. 986, to Truro, Nova Scotia, approved herein, is—

Cents per 100 pounds	
Billed	Normal
8.5	10.6

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58223

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 8th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 1116, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1116, approved herein, is 12 cents per 100 pounds.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58230

In the matter of the application of North Shore Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Matane, Shelter Bay, in the Province of Quebec, and intermediate points.

File No. 42007.26

THURSDAY, the 9th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Matane, Baie Comeau, Godbout, Trinity Bay, Shelter Bay, in the Province of Quebec;

which points and places are named by the Governor in Council under Order in Council P.C. 3212, dated October 19, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a monthly service in the period December 15 to March 31, inclusive, by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 59 be issued for the period of one year from November 10, 1939, but shall be operative only for the actual time in such

period as the Applicant has undertaken to provide a scheduled service as herein stated.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58231

In the matter of the application of MacKenzie Air Service Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 13 and Standard Goods Tariff C.T.C. No. 14, on file with the Board under file No. 42017.8.

THURSDAY, the 9th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 13 and Standard Goods Tariff C.T.C. No. 14 of MacKenzie Air Service Limited, effective November 15, 1939, on file with the Board under file No. 42017.8, be, and they are hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58240

In the matter of the application of I. N. Doe, Agent, hereinafter called the "Applicant," for and on behalf of carriers, for permission to amend Tariff No. 41-A, C.T.C. No. 331 (I. N. Doe, Agent), C.T.C. No. 1167 (G. C. Ransom, Agent), on less than statutory notice.

File No. 27612 212

MONDAY, the 13th day of NOVEMBER, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas it is stated in the application that subsequent to issuance of the said tariff certain changes have been requested therein under the caption, "Alphabetical list of Canadian stations to and from which rates apply," which changes have been duly concurred in by interested participating carriers; and, also, that clerical errors have been discovered subsequent to issuance of the said tariff, and it is desired to amend the same on less than statutory notice—

It is therefore ordered: That the Applicant be, and he is hereby, permitted to amend his Tariff No. 41-A, C.T.C. No. 331 (I. N. Doe, Agent), C.T.C. No. 1167 (G. C. Ransom, Agent), on five days' notice, to become effective November 25, 1939.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58243

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 13th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 55 of Supplement No. 37 to Tariff C.T.C. No. E. 2526, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Dominion Atlantic Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 55 of Supplement No. 37 to Tariff C.T.C. No. E.2526, approved herein, is—

Cents per 100 pounds	
Billed	Normal
5½	7

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58244

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 13th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 78 to Tariff C.T.C. No. E.1244
Supplement No. 56 to Tariff C.T.C. No. E.2248
Supplement No. 52 to Tariff C.T.C. No. E.2444

HUGH WARDROPE,
Assistant Chief Commissioner.

NOTICES, ORDERS IN COUNCIL, ETC.

The following Orders in Council are reproduced for the information of all concerned:—

P.C. 3546

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 9th day of November, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas the Minister of Transport represents that application has been made by McColl-Frontenac Oil Company, Limited, pursuant to the provisions of The Transport Act, 1938, for the exemption from the operation of Part II of the said Act of three bulk tankers which are controlled by it through complete stock ownership and which operate on the "Great Lakes" as in the said Act defined;

That McColl-Frontenac Oil Company, Limited, explain that although the nominal business of these tankers is the handling of bulk products, there may be, in the course of business, a few instances where articles or package goods for the account of the parent company, i.e., the applicant company would of necessity or convenience be carried without the vessels becoming "common carriers" whilst they transport goods in bulk;

That the names of the ships referred to and of the owning companies are as follows:—

SS. *John Irwin*—John Irwin Limited,
SS. *Cyclo-Chief*—Cyclo-Chief Limited,
SS. *Cyclo-Warrior*—Cyclo-Warrior Limited.

That the application of McColl-Frontenac Oil Company, Limited, has been referred to the Board of Transport Commissioners for Canada and that the said Board has recommended that the ships referred to, when engaged in the carriage of articles or package freight for McColl-Frontenac Oil Company, Limited, only, be given exemption from the operation of Part II of The Transport Act, 1938;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to order that the ships hereinbefore named be and they are hereby exempted from the operation of Part II of The Transport Act, 1938, for the season of navigation of 1939, only, when engaged in the carriage of articles or package freight for McColl-Frontenac Oil Company Limited.

H. W. LOTHROP

Asst. Clerk of the Privy Council.

P.C. 3644

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 14th day of November, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas by Order in Council, P.C. 312, dated February 10, 1939, Part III of the Transport Act, 1938, relating to Transport by Air was, pursuant to the provisions of subsection 1 (a) of Section 15 of the said Act, made applicable to transport by air by means of international or interurban air transport services between the following points and places, namely:—

Vancouver-Lethbridge-Regina-Winnipeg-Wagaming-
Kapuskasing-North Bay-Toronto-Ottawa-Montreal.

And whereas the Minister of Transport reports that as provided by Section 13 (1) of the said Act, a licence to transport passengers and/or goods between the said points and places was duly issued by the Board of Transport Commissioners for Canada to Trans-Canada Air Lines;

That the Board of Transport Commissioners advise, under date of October 30, 1939, that application has been made by Trans-Canada Air Lines to have Moncton, New Brunswick, added to the said licence, to which point the company is extending its operations, effective November 1, 1939, and that it is desirable and necessary to amend the said licence accordingly;

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to order that Order in Council, P.C. 312, of February 10, 1939, be and it is hereby amended by the addition of Moncton to the points and places named therein to which the provisions of Part III of the Transport Act, 1938, shall be applicable, as of November 1, 1939.

H. W. LOTHROP,
Asst. Clerk of the Privy Council.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

OTTAWA, DECEMBER 15, 1939

No. 19

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the King's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the King's Printer, Ottawa.

ORDER No. 58268

*In the matter of tariffs, and supplements to tariffs, filed under the provisions of
the Maritime Freight Rates Act.*

File No. 34822.15

SATURDAY, the 18th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Supplement No. 24 to Tariff C.T.C. No. 194, to Newcastle Creek, N.B., filed by the Fredericton and Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 24 to Tariff C.T.C. No. 194, to Newcastle Creek, N.B., approved herein, is 37½ cents per ton of 2,000 pounds.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58272

*In the matter of tariffs, and supplements to tariffs, filed under the provisions of
the Maritime Freight Rates Act.*

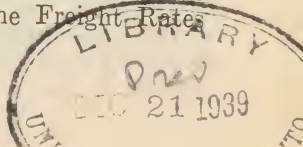
File No. 34822.2

MONDAY, the 20th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates



Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 79 to Tariff C.T.C. No. E.1244

Supplement No. 25 to Tariff C.T.C. No. E.2448

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58275

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 21st day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 435 and 149 of Supplement No. 49 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 435 and 149 of Supplement No. 49 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item	Cents per 100 pounds
435..	35½
149..	29

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58276

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 21st day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 147 of Supplement No. 51 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 147 of Supplement No. 51 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item	Cents per 100 pounds
147.	In lots of 10,000 lbs. or over 24 Less than 10,000 lbs. 28½

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58277

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 21st day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 53 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 53 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

351	To	Cents per 100 pounds
	Digby, N.S.	29
	Annapolis Royal, N.S.	40
449-C	From Middleton, N.S., to Truro, N.S.	9
	(For furtherance to Sackville, N.B.)	

HUGH WARDROPE,

Asst. Chief Commissioner

ORDER No. 58278

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 21st day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 4 to Tariff C.T.C. No. 1086, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

sions of subsection 3 of Section 3 of the said Act: the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 4 to Tariff C.T.C. No. 1086, approved herein, are as follows:—

Item		Cents per 100 pounds	
		Billed	Normal
5}	3rd Class.....	17	20½
10}			
15}	4th Class.....	17	19½
20}			
25}	.....	15½	18

HUGH WARDROPE,
Asst. Chief Commissioner

ORDER No. 58279

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 21st day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 5-B of Supplement No. 6 to Tariff C.T.C. No. 1033, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the said Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 5-B of Supplement No. 6 to Tariff C.T.C. No. 1033, approved herein, is—

Cents per 100 pounds	
Billed	Normal
11.8	14.8

HUGH WARDROPE,
Asst. Chief Commissioner

ORDER No. 58284

In the matter of the application of Northern Airways Ltd., hereinafter called the "Applicant," under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by its Board of Directors on November 13th, 1939, authorizing the Managing Director of the Applicant to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Applicant, and to submit the same to and file the same with the Board.

File No. 42057.18

TUESDAY, the 21st day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution, adopted November 13, 1939, authorizing the Managing Director of the Applicant to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned or operated by the Applicant, and to submit the same to and file the same with the Board, on file with the Board under file No. 42057.18, be, and it is hereby, approved.

HUGH WARDROPE,
Asst. Chief Commissioner

ORDER No. 58286

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 22nd day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 24 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 24 to Tariff C.T.C. No. 986, approved herein, are as follows:—

Item	Section 1	Cents per 100 pounds	
		Billed	Normal
17	.....	10·6	12·3
101	.....	8	10
<i>Section 2</i>			
207	.....	7½	9
226	Group "A"	7½	9
	" "B"	9·2	11·5
	" "C"	8·8	10·8
	" "D"	8·3	10·3

Item	Group		Cents per 100 pounds	
			Billed	Normal
236		" "A"	9.5	11.5
		" "B"	11.2	14
		" "C"	10.9	13.1
		" "D"	10.4	12.6
241		" "A"	17.5	21.5
		" "B"	19.2	24
		" "C"	19.8	22.2
		" "D"	19.3	21.7
246		" "A"	5.5	6.5
		" "B"	7.2	9
		" "C"	7.2	7.8
		" "D"	6.7	7.3
256			Cents per ton of 2,000 pounds	
		" "B"	99.6	124.5
		" "C"	90.8	113.3
		" "D"	82	102.5
261			Cents per barrel	
		" "A"	28.5	33.5
		" "B"	35.6	44.5
		" "C"	33.8	42.3
266		" "D"	32	40
		" "A"	15	18
		" "B"	17.8	22.3
		" "C"	17	21
271		" "D"	16.5	20.5
			Cents per 1,000	
		" "A"	18	22
		" "B"	19.2	24
276		" "C"	18.8	23.3
		" "D"	18.3	22.8
			Cents per barrel	
		" "A"	28.5	33.5
292		" "B"	36	45
		" "C"	33.8	42.3
		" "D"	32	40
			Cents per 100 pounds	
			Billed	Normal
			10.2	12.8

HUGH WARDROPE,

Asst. Chief Commissioner.

ORDER No. 58287

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 22nd day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1114, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1114, approved herein, are as follows:—

From	Cents per barrel		
	A	B	C
Bear River, N.S.	50	50	50
Annapolis Royal, N.S.	50	50	50
Bridgetown, N.S.	50	50	50
Middleton, N.S.	43½	43	42½
Kingston, N.S.	42½	41½	42½
Berwick, N.S.	36½	35½	35½
Weston, N.S.	37	37	36½
Kingsport, N.S.	36½	35½	35½
Kentville, N.S.	31½	32	32
Port Williams, N.S.	30½	29½	29
Horton Landing, N.S.	29	29	28
Hantsport, N.S.	26	26	27½
Hartville, N.S.	25	25	25

"A."—Apples, in packages, except hampers, and carrots.

"B."—Apples in hampers, and pears.

"C."—Potatoes.

HUGH WARDROPE,

Assistant Chief Commissioner

ORDER No. 58288

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 22nd day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the rates and rules published in the following tariffs filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act, namely:—

Tariff C.T.C. No. 1111.

Supplement No. 1 to Tariff C.T.C. No. 1111.

HUGH WARDROPE,

Assistant Chief Commissioner

ORDER No. 58289

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 22nd day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1113, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1113, approved herein, are as follows:—

From	Cents per barrel		
	A	B	C
Bear River, N.S.	50	50	50
Annapolis Royal, N.S.	50	50	50
Bridgetown, N.S.	50	50	50
Middleton, N.S.	43½	43	42½
Kingston, N.S.	42½	41½	42½
Berwick, N.S.	36½	35½	35½
Weston, N.S.	37	37	36½
Kingsport, N.S.	36½	35½	35½
Kentville, N.S.	31½	32	32
Port Williams, N.S.	30½	29½	29
Horton Landing, N.S.	29	29	28
Hantsport, N.S.	26	26	27½
Hartville, N.S.	25	25	25

"A."—Apples in packages (except hampers) and carrots in barrels.

"B."—Apples in hampers, and pears.

"C."—Potatoes in barrels.

HUGH WARDROPE,
Assistant Chief Commissioner

ORDER No. 58290

In the matter of the application of The Northern Airways Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 2 and Standard Goods Tariff C.T.C. No. 3, on file with the Board under file No. 42017.11.

WEDNESDAY, the 22nd day of November, A.D., 1939.

HUGH WARDROPE, Assistant Chief Commissioner.
J. A. STONEMAN, Commissioner.

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 2 and Standard Goods Tariff C.T.C. No. 3 of The Northern Airways Limited, on file with the Board under file No. 42017.11, be, and they are hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner

ORDER No. 58294

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 23rd day of November, A.D., 1939.

HUGH WARDROPE, Assistant Chief Commissioner.
G. A. STONE, Commissioner.

It is ordered: That the Rules and Regulations published in Tariff C.T.C. No. E.4900, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

HUGH WARDROPE,
Assistant Chief Commissioner

ORDER No. 58295

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 23rd day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in item 1955 of Supplement No. 33 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 1955 of Supplement No. 33 to Tariff C.T.C. No. E. 4878, approved herein, are as follows:—

Item	Cents per 100 pounds
1955..	C.L. Any Quantity
	21½ 25

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58296

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 23rd day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in item 190A, and to Trenton, Ontario, in item 3910E of Supplement No. 30 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 190A, and to Trenton, Ontario, in item 3910E of Supplement No. 30 to Tariff C.T.C. No. E.4878, approved herein, are as follows:—

Item		Cents per 100 pounds
190A		Minimum
	To	Any Quantity
	St. Stephen, N.B.	20
	Saint, John, N.B.	20
		15
3910E		40,000 pounds
	To	
	Trenton, Ont.	35½

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58298

In the matter of the application of the Niagara, St. Catharines & Toronto Railway Company, hereinafter called the "Applicant Company," under Section 334 of the Railway Act, for approval of its Standard Passenger Tariff C.T.C. No. 394, on file with the Board under file No. 34322,

THURSDAY, the 23rd day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon its appearing that the Applicant Company's present Standard Passenger Tariff C.T.C. No. 363 expires on November 30, 1939, and that the Applicant Company desires to extend the fares for a further period of one year—

It is ordered: That the Applicant Company's said Standard Passenger Tariff C.T.C. No. 394, effective December 1, 1939, on file with the Board under file No. 34322, be, and it is hereby, approved; the said tariff, with a reference to this Order, to be published in at least two consecutive weekly issues of *The Canada Gazette*.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58302

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Fort St. James, Prince George, British Columbia, and intermediate points.

File No. 42007.4.17

FRIDAY, the 24th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Fort St. James, Pinchi Lake, Manson Creek, Germansen Lake, Germansen Landing, Takla Landing, Uslika Lake, Aiken Lake, Bear Lake, Prince George, in the Province of British Columbia;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 2727, dated 18th September, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a monthly service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 60 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58305

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 24th day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 15-A of Supplement No. 28 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the said Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 15-A of Supplement No. 28 to Tariff C.T.C. No. 986, approved herein, is—

Cents per 100 pounds	
Billed	Normal
8.4	9.7

HUGH WARDROPE,
Assistant Chief Commissioner

ORDER No. 58306

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 24th day of November, A.D., 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 105-A of Supplement No. 29 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the said Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 105-A of Supplement No. 29 to Tariff C.T.C. No. 986, approved herein, is—

	Cents per 100 pounds	
	L. C.	L.
Billed	Normal	
25.1		31.3

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58307

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 24th day of November, A.D., 1939.

HUGH WARDROPE, Assistant Chief Commissioner.
G. A. STONE, Commissioner.

The Board orders:

1. That the toll published in item 148 of Supplement No. 56 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 148 of Supplement No. 56 to Tariff C.T.C. No. 1006, approved herein, is 50 cents per 100 pounds.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58308

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

FRIDAY, the 24th day of November, A.D., 1939.

HUGH WARDROPE, Assistant Chief Commissioner.
G. A. STONE, Commissioner.

The Board orders:

1. That the toll published in item 149-A of Supplement No. 57 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3, of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 149-A of Supplement No. 57 to Tariff C.T.C. No. 1006, approved herien, is 22½ cents per 100 pounds (exclusive of pick-up and delivery).

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58309

In the matter of the application of Trans-Canada Air Lines, under Section 21 of The Transport Act, 1938, for approval of its Standard Goods Mileage Tariff C.T.C. No. 3.

File No. 42017.1

MONDAY, the 27th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Goods Mileage Tariff C.T.C. No. 3 of Trans-Canada Air Lines, on file with the Board under file No. 42017.1, be, and it is hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58317

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 27th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 32 to Tariff C.T.C. No. E.1256
Supplement No. 25 to Tariff C.T.C. No. E.2474
Supplement No. 4 to Tariff C.T.C. No. E.3069
Tariff C.T.C. No. E.3151

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58320

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 29th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 10 to Tariff C.T.C. No. E.4790, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 10 to Tariff C.T.C. No. E.4790, approved herein, are as follows:—

From stations taking Eastbound Rate Groups H, K and L, listed in Canadian Freight Association Tariff C.T.C. No. 1165. Also from specific stations shown in items listed below.

Item		Cents per 100 pounds		
		H	K	L
200A	L.C.L.	502	512	515½
	C.L.	368½	376	378½
280D	Minimum 60,000.. . . .	101	103	104
	From Bridgetown, N.S.	120		
	Minimum 40,000.. . . .	159½	162½	164
	From Bridgetown, N.S.	179½		
430B	. . . . .	159½	162½	164
490A	L.C.L.	367½	375	377½
	C.L.	183	186½	188
775A	. . . . .	291	296½	299
880A	. . . . .	198	202	203½
890A	. . . . .	198	202	203½
1100A	. . . . .	179	182½	183½
	From Bridgetown, N.S.	200		
1110A	. . . . .	124	126½	127½
	From Bridgetown, N.S.	148		
1310A	L.C.L.	263½	269	271
	C.L.	159½	162½	164
1620A	Minimum 24,000.. . . .	242½	247	249
	Minimum 30,000.. . . .	217	221½	223
1740A	. . . . .	135½	138	139
1990A	. . . . .	174½	178	179½
2560	From Halifax, N.S.	189		
2820D	Minimum 50,000.. . . .	121	123½	124½
	Minimum 60,000.. . . .	121	123½	124½
	Minimum 50,000.. . . .	130½	133	134
2823C	. . . . .	111	113½	114

From Dominion Atlantic Railway stations, one and one-half cents per 100 pounds to be deducted account of water haul.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58322

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822·13

WEDNESDAY, the 29th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in items 97 and 306 of Supplement No. 58 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 97 and 306 of Supplement No. 58 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item	To	Cents per 100 pounds
97	Bridgetown, N.S.	27½
	Yarmouth, N.S.	34½
306	. . . . .	31½

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58323

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 29th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board Orders:

1. That the tolls published in items 3110B, 3925A, and 3927 of Supplement No. 38 to Tariff C.T.C. No. E.4878, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 3110B, 3925A, and 3927 of Supplement No. 38 to Tariff C.T.C. No. E.4878, approved herein, are as follows:—

Item	To	Cents per 100 pounds		
		Minimum	24,000	30,000
3110B	Baker Brook, N.B.	38½	..	..
	Edmundston, N.B.	30½	..	..
	Fredericton, N.B. . . . .	..	..	10½
	Grand Falls, N.B.	29	..	..
	Montreal, Que. . . . .	..	42½	..
	Ottawa, Ont. . . . .	..	44	..
	Perth Jct., N.B.	27½	..	..
	Quebec, Que. . . . .	..	41	..
	Sherbrooke, Que. . . . .	..	41½	..
	Toronto, Ont. . . . .	..	48½	..
	Woodstock, N.B. . . . .	..	..	25

On traffic to Baker Brook, N.B., the Temiscouata Railway Company's proportions are, Billed $6\frac{1}{2}$, Normal 8 cents, per 100 pounds, the Canadian Pacific Railway Company the balance.

Item		Cents per 100 pounds			
		Minimum			
3925A	To	24,000	30,000	40,000	60,000
	Edmundston, N.B.	29 $\frac{1}{2}$	..	..	27
	Fredericton, N.B. . . . .	..	10 $\frac{1}{2}$	..	..
	Grand Falls, N.B. . . . .	..	29	..	..
	Perth Jct., N.B. . . . .	..	22 $\frac{1}{2}$	..	..
	Woodstock, N.B. . . . .	..	..	20	..
3927	To				
	Hamilton, Ont.		33 $\frac{1}{2}$		
	Kingston, Ont.		33		
	London, Ont.		34		
	Montreal, Que.		28		
	Ottawa, Ont.		33 $\frac{1}{2}$		
	Quebec, Que.		30		
	Toronto, Ont.		34		
	Trois Rivières, Que.		29		
	Windsor, Ont.		37		

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58325

In the matter of the application of the Dominion Skyways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Senneterre and Waswanipi Lake, Quebec, and intermediate points.

File No. 42007.12.1

WEDNESDAY, the 29th day of November, A.D. 1939.

HUGH WARDROPE, Assistant Chief Commissioner.

J. A. STONEMAN, Commissioner.

F. M. MACPHERSON, Commissioner.

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Senneterre, Cameron Lake, Madeleine Lake, Waswanipi Lake, in the Province of Quebec;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 3389, dated November 1, 1939, pursuant to Section 15(1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a monthly service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence No. C.T.C. (A.T.) 61 be issued for the period of one year from the date of this order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by the submission for approval of all documents setting forth the terms and conditions of carriage and any release of responsibility thereunder, and by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58332

In the matter of the application of the Wabash Railway Company, under Section 334 of the Railway Act, for approval of Supplement No. 4 cancelling Local Standard Passenger Tariff C.T.C. No. 996, on file with the Board under file No. 9451.23.

THURSDAY, the 30th day of November, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That Supplement No. 4 cancelling the Wabash Railway Company's Local Standard Passenger Tariff C.T.C. No. 996, on file with the Board under file No. 9451.23, be, and it is hereby, approved; the said tariff, with a reference to this order, to be published in at least two consecutive weekly issues of the *Canada Gazette*.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58331

In the matter of the application of the Canadian National Railways, under Section 348 of the Railway Act, for approval of special contract for the release of responsibility in connection with the transportation of steel tanks and iron or steel pipes, rubber lined, in cold weather, on file with the Board under file No. 40615:

THURSDAY, the 30th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon reading what is filed in support of the application, and the recommendation of the Director, Traffic Department of the Board, the Dominion Rubber Company, Limited, consenting—

It is ordered: That the said special contract of the Canadian National Railways for release of responsibility in connection with the transportation of steel tanks and iron or steel pipes, rubber lined, in cold weather, on file with the Board under file No. 40615, be, and it is hereby approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58337

In the matter of the application of G. C. Ransom, Agent, for and on behalf of carriers, to file, on less than statutory notice, increased commodity rates from points in the Maritime Provinces to British Columbia Pacific Coast points.

File No. 27612-213

SATURDAY, the 2nd day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas it is stated in the application that the carriers have maintained abnormally low commodity rates from Eastern Canada to British Columbia Pacific Coast points to meet water competition via the Panama Canal;

And whereas water service via the Panama Canal has now been discontinued as a result of war conditions, thereby removing the competitive necessity for such abnormal tolls;

And whereas increased rates from points in Ontario and Quebec have been published and filed in Supplement No. 28 to Canadian Freight Association Tariff C.T.C. No. 896, effective December 1, 1939, and from Maritime Province points in Supplement No. 25 to Canadian National Railways Tariff C.T.C. No. E.2474 and Supplement No. 10 to Canadian Pacific Railway Tariff C.T.C. No. E.4790, effective December 23, 1939;

And whereas the discrepancy of effective dates has created the situation that in certain cases lower rates are now available from Maritime Province points than those provided on similar commodities from Ontario and Quebec, and in order to correct this anomalous condition as early as possible it is desired to advance the effective date of the Canadian National and the Canadian Pacific Railway supplements referred to—

It is therefore ordered: That the Canadian National Railways and the Canadian Pacific Railway Company be, and they are hereby, permitted to file supplements to their Tariffs C.T.C. No. E.2474 and C.T.C. No. E.4790, respectively, to provide for the said increased rates, effective on three days' notice.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58344

In the Matter of the application of L. E. Kipp, Agent, hereinafter called the "Applicant," for and on behalf of carriers, for permission to amend his Tariff C.T.C. No. 732 on less than statutory notice to correct an error.

File No. 27612-214

MONDAY, the 4th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas through a clerical error reference to rate basis D-945 is made opposite Amherst, N.S., on page 181 of the Applicant's Tariff C.T.C. No. 732, effective December 1st, 1939, instead of reference to rate basis D-1105, which erroneous reference resulted in an unintentional and unauthorized reduction in rates to Amherst, N.S., and in order that the proper and intended rate basis

may be applied, the Applicant desires to make correction on less than statutory notice—

It is therefore ordered: That the Applicant be, and he is hereby, granted permission to supplement his Tariff C.T.C. No. 732, effective on five days' notice, to correct the said error.

HUGH WARDROPE,

Assistant Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, OCTOBER, 1939

Railway accidents 96 with 14 killed and 102 injured
Railway accidents at highway crossings..... 33 with 28 killed and 44 injured

	Killed	Injured
Passengers	1	19
Employees	5	68
Others	36	59
Total	42	146

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents K. I. NOVA SCOTIA
1 3 3 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, N.B. 16-460.
1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, N.S. 54-041.
1 1 1 Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, N.S. 54-166.

NEW BRUNSWICK
1 2 — Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, N.B. 9322.
1 — 2 Automobile—Automobile ran into side of train. Licence, N.B. 5-276.

QUEBEC
1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Que. 170-059.
1 2 2 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Que. 2648.
1 — 1 Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Que. 28142.
1 2 — Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Que. 39-799.
1 — 3 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Que. 122549.
1 1 — Automobile—Automobile drove on to crossing in front of approaching train and was struck. No licence plates.

ONTARIO
1 1 — Automobile—Automobile disregarded bell and wigwag signals; drove on to crossing in front of approaching train and was struck. Licence, Ont. 9-N-260.
1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 72-U-72.
1 — 1 Automobile—Automobile ran into side of train. Licence, Mich. Y-38201.
1 1 1 Automobile—Automobile ran into side of train. Licence, Ont. 89-R-19.
1 — 1 Auto truck—Auto truck ran into side of train. Licence, Ont. 10020-C.
1 — 2 Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 48977-C.
1 1 3 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 79-D-47.

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS—*Concluded*

Accidents			K. I.		ONTARIO— <i>Concluded</i>	
1	9	—	Automobile—Automobile	drove on to crossing in front of approaching train and was struck.	Licence, Ont. 68-X-3.	
1	—	2	Auto truck—Auto truck	drove on to crossing in front of approaching train and was struck.	Licence, Ont. 85515-C.	
1	1	1	Auto truck—Auto truck	drove on to crossing in front of approaching train and was struck.	Licence, Ont. 79526-C.	
1	—	2	Auto truck—Auto truck	drove on to crossing in front of approaching train and was struck.	Licence, Ont. 646272-C.	
1	—	1	Automobile—Automobile	drove on to crossing in front of approaching train and was struck.	Licence, Ont. 1-D-312.	
1	1	2	Auto truck—Auto truck	ran into side of train.	Licence, Ont. 29991-C.	
1	1	—	Automobile—Automobile	ran into side of train.	Licence, Ont. 55-C-23.	
1	—	4	Automobile—Automobile	ran into side of standing train.	Licence, Ont. 75-P-41.	
MANITOBA						
1	—	2	Auto truck—Auto truck	drove on to crossing in front of approaching train and was struck.	Licence, Man. T-1382.	
SASKATCHEWAN						
1	—	1	Automobile—Automobile	ran into side of train.	Licence, Sask. 63855.	
1	1	—	Automobile—Automobile	ran into side of train.	Licence, Sask. 79474.	
1	—	4	Automobile—Automobile	drove on to crossing in front of approaching train and was struck.	Licence, Sask. 23937.	
ALBERTA						
1	—	1	Automobile—Automobile	drove on to crossing in front of approaching train and was struck.	Licence, Alta. 68-793.	
1	—	1	Automobile—Automobile	drove on to crossing in front of approaching train and was struck.	Licence, Alta. 40-632.	
BRITISH COLUMBIA						
1	1	—	Pedestrian—Pedestrian	walked on to track in front of approaching train and was struck.		

Of the 33 accidents at highway crossings, 31 occurred at unprotected crossings and 2 occurred at protected crossings.

Fourteen of the accidents occurred after sunrise, and 19 occurred after sunset.

November 25th, 1939.

SUMMARY OF ORDERS ISSUED BY BOARD

- 58174. Nov. 2—Amending Order No. 43727 of Oct. 29/29 to provide speed limitation of ten miles per hour at crossing of 118th Avenue by C.P.R., Edmonton, Alta.
- 58175. Nov. 2—Amending Order No. 38823 of March 11/27 to provide speed limitation of ten miles per hour over C.N.R. crossing of Donald Street, Fort William, Ont., etc.
- 58176. Oct. 31—Amending Order No. 45039 of July 10/30 to provide speed limitation of ten miles per hour over C.N.R. crossing of Sixth Avenue East, Prince Albert, Sask.
- 58177. Nov. 2—Amending Order No. 40179 of Jan. 13/28 to provide speed limitation of ten miles per hour over C.N.R. crossing of Archibald Street, St. Boniface, Man.
- 58178. Nov. 2—Amending Order No. 42325 of March 13/29 to provide speed limitation of ten miles per hour over C.N.R. crossing of Government Road, Rainy River, Ont., Fort Frances, Subd'vn.
- 58179. Nov. 1—Approving Bell Telephone Co's revised Appendix "A" to Traffic Agreement with Commissioners of Telephone System of Municipality of Twps. of Medora and Wood.
- 58180. Oct. 31—Approving Bell Telephone Co's Service Station Contract with The Innisfal Telephone Co. Limited.
- 58181. Oct. 31—Amending Order 44959 of June 27/30 providing protection at C.N.R. crossing of Victoria Avenue, Fort Frances, Ontario.
- 58182. Oct. 31—Authorizing the issuing of licence to Wings Limited for transportation between Winnipeg, Man., and Sandy Lake, Ont., and intermediate points.
- 58183. Oct. 31—Amending Order No. 55443 of Jan. 10/38 to provide speed limitation of ten miles per hour over C.N.R. crossing of highway west of Mariapole station, Man., mileage 96·0, Carman Subd'vn.
- 58184. Oct. 31—Amending Order No. 51665 of Jan. 15/35 to provide speed limitation of ten miles per hour over C.N.R. crossing of Main Street, east of Somerset station, Man., mileage 78·85, Carman Subd'vn.
- 58185. Oct. 31—Amending Order No. 41142 of July 28/28 to provide a speed limitation of ten miles per hour at C.N.R. crossing of Neebing Avenue, Westfort, Ontario.
- 58186. Oct. 31—Amending Orders Nos. 39454 and 53891, of Aug. 13/27 and Jan. 15/37, respectively, limiting speed to ten miles per hour over C.N.R. crossing of Logan Avenue, Brooklands, Man.
- 58187. Nov. 2—Amending Order No. 41216 of Aug. 13/28, and Order No. 42724 of May 30/29, to provide speed limitation of ten miles per hour over C.N.R. crossing of 96th Street, Edmonton, Alta.
- 58188. Nov. 2—Authorizing the Dept. of Highways for Ontario to construct highway over C.P.R., Zealand Twp., west of Wabigoon station, Ont., mileage 51·1, Ignace Subd'vn.
- 58189. Nov. 2—Authorizing the Dept. of Public Works of Alberta to construct subway under Northern Alberta Rly., Edmonton Subdivision, mileage 6·4, Alberta.
- 58190. Nov. 2—Approving Standard Passenger Tariff C.T.C. No. 7 of M. & C. Aviation Co. Limited.
- 58191. Nov. 3—Approving less than standard clearance at C.N.R. siding serving Page Hersey Tubes Ltd., Welland, Ont.
- 58192. Nov. 3—Permitting G. C. Ransom, Agent, to reissue on one day's notice Tariff C.T.C. No. 1179 to provide for representation of Northwest Steamships Limited.
- 58193. Nov. 3—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Railway under Section 9.
- 59194. Nov. 3—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian National Rlys. under Section 3.
- 58195. Nov. 3—Approving installation of unloading rack, etc., of Imperial Oil Co. Limited, at Salteoats, Sask., near C.P.R.
- 58196. Nov. 3—Declaring C.P.R. crossing of Nairn Avenue, Winnipeg, Man., protected to Board's satisfaction.
- 58197. Nov. 3—Rescinding Order No. 57689 of July 8/39 *re* unloading standard, etc., of H. C. Pawson, Ltd., Sudbury, Ont.
- 58198. Nov. 3—Approving Standard Goods Tariff C.T.C. No. 4 of Starratt Airways & Transportation, Limited.
- 58199. Nov. 3—Approving revised plans of lift bridge across Lachine Canal, Montreal, Que., east of Wellington Street, to carry traffic over C.N. Rys., etc.
- 58200. Nov. 4—Declaring Sydney & Louisburg Ry. Co's crossing of Victoria Road, west of Sydney Jct., N.S., protected to Board's satisfaction.
- 58201. Nov. 4—Declaring C.N.R. crossing west of Fountain Road, mileage 18·40, Oxford Subd'vn, protected to Board's satisfaction.

58202. Nov. 4—Declaring C.N.R. crossing east of Shelburne, N.S., mileage 50-91, Yarmouth Subd'vn, protected to Board's satisfaction.
58203. Nov. 4—Requiring the Twp. of Kennebec to pay certain sum to C.P.R. *re* protection at highway crossing at 3-3 miles west of Ardendale, Ont., mileage 39-53, Havelock, Subd'vn.
58204. Nov. 4—Approving By-law No. 1436 of Town of Port Hope prohibiting blowing of whistles, etc., within town limits.
58205. Nov. 6—Authorizing the issuing of Licence to Trans-Canada Air Lines for transportation between Toronto, Ont., and Buffalo, N.Y.
58206. Nov. 6—Authorizing the issuing of Licence to Trans-Canada Air Lines for transportation between Toronto, Ont., and Detroit, Mich.
58207. Nov. 6—Authorizing the issuing of a Licence to Trans-Canada Air Lines for transportation between Toronto, Ont., and New York, N.Y.
58208. Nov. 8—Declaring C.N.R. crossing south of Tatamagouche station, N.S., mileage 35-70, Oxford Subd'vn, protected to Board's satisfaction.
58209. Nov. 8—Declaring C.N.R. crossing (Cook's) mileage 4-5, Dalhousie Subd'vn, protected to Board's satisfaction.
58210. Nov. 8—Declaring C.N.R. crossing, mileage 0-77, Portage Pit branch, Sussex Subd'vn, N.B., protected to Board's satisfaction.
58211. Nov. 8—Approving Standard Passenger and Standard Goods Tariffs C.T.C., Nos. 3 and 4, of Wings Limited.
58212. Nov. 8—Relieving C.N.R. from maintaining fences at certain points on its Fraser Subd'vn, B.C.
58213. Nov. 8—Approving Items 2 and 4, page 9, of proposed Supplement No. 2 to Canadian Freight Classification No. 19, ratings on fruit juices.
58214. Nov. 8—Declaring C.P.R. crossing east of West Shefford, Que., mileage 113-6, Sherbrooke Subd'vn, protected to Board's satisfaction.
58215. Nov. 8—Relieving C.N.R. from maintaining fences at certain points along Tête Jaune Subd'vn, B.C.
58216. Nov. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian National Rlys. under Section 3.
58217. Nov. 8—Relieving C.N.Rys. from maintaining fences at certain points on Nechako Subdivision, B.C.
58218. Nov. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Maritime Coal, Railway & Power Company, under Section 9.
58219. Nov. 8—Permitting C.N.R. to remove station agent at Lisle, Ont.
58220. Nov. 8—Permitting C.N.R. to remove station agent at Glencairn, Ont.
58221. Nov. 8—Authorizing the C.N.R. to construct additional tracks across highway at McKinnon, N.B., mileage 1-36, Harcourt Subd'vn.
58222. Nov. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Railway under Section 9.
58223. Nov. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Section 9.
58224. Nov. 8—Relieving C.P.R. from maintaining cattle guards at certain highway crossings on its Kingston Subd'vn.
58225. Nov. 8—Relieving C.P.R. from maintaining cattle guards at certain highway crossings on Belleville Subdivision.
58226. Nov. 8—Approving Bell Telephone Co's Appendix "A" to Supplement No. 1 to Traffic Agreement with the Noisy River Telephone Company.
58227. Nov. 8—Dismissing application of Arrow Airways Ltd. for Licence for air transportation between Brochet, Man., and Goldfields, Sask.
58228. Nov. 8—Approving installation of unloading pipe, etc., by the Town of Le Pas, Man., near Canadian National Rlys.
58229. Nov. 8—Relieving C.P.R. from maintaining cattle guards at certain highway crossings on its Havelock Subd'vn.
58230. Nov. 9—Authorizing the issuing of Licence to North Shore Airways Ltd. for transportation between Matane, Shelter Bay, Que., and intermediate points.
58231. Nov. 9—Approving Standard Passenger Tariff and Standard Goods Tariff C.T.C. No. 14 of Mackenzie Air Service Ltd.
58232. Nov. 9—Declaring the L.E. and Northern Ry. crossing of Morrell Street, Brantford, Ont., protected to Board's satisfaction.
58233. Nov. 9—Authorizing the C.N.R. to construct spur to serve L. A. Young Industries of Canada Ltd., across Vanderhoof Ave., Leaside, Ont.
58234. Nov. 9—Authorizing C.N.R. to remove siding, stock-pen, etc., at Gerrond, Sask.
58235. Nov. 9—Declaring C.N.R. crossing of Highway No. 46, mileage 43-9, Rouyn Subdivision, protected to Board's satisfaction.
58236. Nov. 9—Declaring C.N.R. crossing north of Val Rose station, Quebec, mileage 15-10, Batiscan Subd'vn, protected to Board's satisfaction.
58237. Nov. 9—Approving proposed changes in interlocking plant at T.H. & B. and C.N.R. crossing, mileage 9-80, Dietz, Ont.

- 58238. Nov. 10—Approving Bell Telephone Co's Supplement No. 1 to service station contract with the Forest Home Telephone Co. Limited.
- 58239. Nov. 10—Declaring C.P.R. crossing of Fetix station yard, Que., mileage 16·76, St. Gabriel Subd'vn, protected to Board's satisfaction.
- 58240. Nov. 13—Permitting I. N. Doe, Agent, on behalf of carriers, to amend certain tariffs on less than statutory notice.
- 58241. Nov. 13—Authorizing the Dept. of Roads for Quebec to construct highway crossing under Nipissing Central Ry., M. 46·51, Kirkland Lake Subd'vn, Twp. Beauchastel, Quebec.
- 58242. Nov. 18—Disallowing Items of Rubber and Rubber Goods, 36 and 37, p. 13, proposed Supplement No. 21, to Canadian Freight Classification No. 19.
- 58243. Nov. 13—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rlys. under Sec. 3.
- 58244. Nov. 13—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Can. Nat. Rlys. under Section 3.
- 58245. Nov. 14—Declaring T.H. & B. Ry. crossing west of Scotland station, Ontario, mileage 35·28, Watford Subd'vn, protected to Board's satisfaction.
- 58246. Nov. 14—Declaring C.P.R. crossing of Nairn Avenue, Winnipeg, Man., protected to Board's satisfaction.
- 58247. Nov. 14—Declaring C.N.R. crossing of Prince Edward Street, Brighton, Ont., protected to Board's satisfaction.
- 58248. Nov. 14—Authorizing C.N.R. to use and operate bridge, mileage 47·9, Gladstone Subd'vn, Man., constructed under Order 55006 of Oct. 8, 1937.
- 58249. Nov. 14—Approving C.N.R. less than standard clearance of bankhead over proposed industrial spur to serve Greenwood Coal Co., Ltd., m. 4·05, Thorburn Subd'vn, N.S.
- 58250. Nov. 14—Authorizing C.N.R. to use and operate bridge at mileage 70·2, Neepawa Subdivision, Man.
- 58251. Nov. 14—Authorizing C.N.R. to use and operate bridge across Government ditch at mileage 138·5, Gladstone Subdivision, Man.
- 58252. Nov. 14—Authorizing C.P.R. to construct two branch lines to serve Parrish and Heimbecker, Ltd., Port Arthur, Ont.
- 58253. Nov. 14—Approving Bell Telephone Co.'s traffic agreement with La Compagnie de Téléphone de la Ville d'Arthabaska.
- 58254. Nov. 14—Authorizing the C.N.R. to construct spur across Stanley Street, Simcoe, Ont.
- 58255. Nov. 15—Authorizing C.N.R. to operate over subway at Pleasant Street, Amherst, N.B.
- 58256. Nov. 15—Authorizing C.P.R. to construct branch line to serve Soo Line Mills Limited, St. Boniface, Man.
- 58257. Nov. 20—Extending time for completion by C.P.R. of branch line of railway to serve the Seaport Dock & Shipping Co. and the Vancouver Salmon & Fruit Terminal Co., Vancouver, B.C.
- 58258. Nov. 16—Declaring C.N.R. crossing east of Munson Station, Alta., mileage 40·7, Drumheller Subd'vn, protected to Board's satisfaction.
- 58259. Nov. 17—Declaring Huron St. crossing by Algoma Central Ry., Sault Ste. Marie, protected to Board's satisfaction.
- 58260. Nov. 17—Declaring C.N.R. crossing east of Sarnia, Ont., mileage 68·8, Forest Subd'vn, protected to Board's satisfaction.
- 58261. Nov. 17—Authorizing C.N.R. to reconstruct bridge across Riverside Drive, Cowichan Lake, Vancouver Island, B.C.
- 58262. Nov. 17—Approving change in highway crossing over C.N.R. in N.E. 4-12-28-18 W. 2 M., Sask.
- 58263. Nov. 17—Approving plan showing shortening of existing circuits in connection with wigwag location at Reid Street crossing by C.N.R., Peterborough, Ont.
- 58264. Nov. 17—Rescinding Order 57834 of Aug. 10, 1939, *re* clearance at M. 69·65, Cartier Subdivision, C.P.R.
- 58265. Nov. 17—Authorizing the C.N.R. to reconstruct bridge over the Etchemin river, M. 65·8, Armagh Subd'vn, Que.
- 58266. Nov. 18—Declaring C.P.R. crossing, first east of Yale Station, B.C., protected to Board's satisfaction.
- 58267. Nov. 18—Approving plan showing shortening of existing circuits in connection with wigwag at C.N.R. crossing of Donegal Street, Peterborough, Ont.
- 58268. Nov. 18—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Fredericton & Grand Lake Coal and Ry. Co., under Section 3.
- 58269. Nov. 20—Approving installation of unloading rack, etc., at Hudson Bay Jet., Sask., by the British American Oil Co. Limited, C.N. Rys.
- 58270. Nov. 20—Amending Great Northern Ry. Co.'s Rules and Regulations governing operation of its lines in Canada.
- 58271. Nov. 20—Approving installation of unloading racks, etc., of McColl-Frontenac Oil Co., at Ville Marie, Que. C.P.R.
- 58272. Nov. 20—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian National Railways under Section 3.

- 58273. Nov. 20—Approving Bell Telephone Co.'s Supplemental Agreement with the Dept. of Mines and Resources, Dominion of Canada.
- 58274. Nov. 27—Relieving C.P.R. from maintaining cattle guards at certain highway crossings, Montreal-Ottawa Subd'vn.
- 58275. Nov. 21—Approving under Maritime Freight Rates Act tolls published in Items 435 and 149, Supplement 49 to C.T.C. 1006, filed by Dominion Atlantic Rly. under Section 9.
- 58276. Nov. 21—Approving under Maritime Freight Rates Act tolls published in Supplement 51 to C.T.C. 1006, filed by Dominion Atlantic Rly. under Section 9.
- 58277. Nov. 21—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Railway under Section 9.
- 58278. Nov. 21—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Dominion Atlantic Railway under Section 9.
- 58279. Nov. 21—Approving under Maritime Freight Rates Act tolls published in tariffs filed by D.A.Ry. under Sec. 9.
- 58280. Nov. 21—Authorizing Dept. of Highways for Ontario to construct public crossings over C.N.R. at mileage 10-60, Meaford Subdivision, over spur to Camp Borden.
- 58281. Nov. 21—Approving location of C.N.R. station to be erected at Bedford, N.S.
- 58282. Nov. 21—Approving abandonment of line of railway of Quebec Ry., Light & Power Co. known as "Kent Line" between Quebec city limits and Kent, Courville, P.Q.
- 58283. Nov. 21—Approving plan showing shortening of existing circuits in connection with wigwag signal at Argyle Street crossing by C.N.R., Peterborough, Ont.
- 58284. Nov. 21—Authorizing certain officials of Northern Airways Ltd. to prepare and issue freight and passenger tariffs of tolls.
- 58285. Nov. 21—Approving less than standard clearance of C.N.R. siding serving Canada Doughnut Co. Ltd., Trenton, Ont.
- 58286. Nov. 22—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Section 9.
- 58287. Nov. 22—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Section 9.
- 58288. Nov. 22—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Rly. under Section 9.
- 58289. Nov. 22—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Rly. under Section 9.
- 58290. Nov. 22—Approving Standard Passenger Tariff C.T.C. No. 2, and Standard Goods Tariff C.T.C. No. 3, of Northern Airways Limited.
- 58291. Nov. 22—Approving changes to interlocking plant at C.P.R. crossing by C.N.R. at Coniston, Ont.
- 58292. Nov. 22—Authorizing Dept. of Public Works for New Brunswick to construct highway crossing over C.N.R., mileage 61-02, Nashwaak Subd'vn, N.B.
- 58293. Nov. 22—Amending Order No. 57726 of July 15, 1939, *re* crossing by C.N.R., of certain streets in Montreal, Que.
- 58294. Nov. 23—Approving under Maritime Freight Rates Act Rules and Regulations filed by C.P.R. under Section 9.
- 58295. Nov. 23—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
- 58296. Nov. 23—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
- 58297. Nov. 23—Declaring Trans-Canada crossing by C.P.R. near Gonor Station, Man., protected to Board's satisfaction.
- 58298. Nov. 23—Approving Standard Passenger Tariff C.T.C. 394 of Niagara, St. Catharines & Toronto Ry. Co.
- 58299. Nov. 23—Declaring C.N.R. crossing east of Kamsack, Sask., protected to Board's satisfaction.
- 58300. Nov. 23—Approving installation of storage tanks, etc., of North Star Oil Limited, Olds, Alta. C.P.R.
- 58301. Nov. 24—Declaring C.N.R. crossing at Point Edward, Ont., protected to Board's satisfaction.
- 58302. Nov. 24—Authorizing the issuing of Licence to Canadian Airways Ltd., for transportation between Fort St. James, Prince George and intermediate points.
- 58303. Nov. 24—Approving Traffic Agreement between Bell Telephone Co. and the La Compagnie de Téléphone de Stanfold.
- 58304. Nov. 24—Approving Revised Appendix "A" to Traffic Agreement between Bell Telephone Co. and the Commissioners for the Telephone System of the Mun. of Twp. of Moore.
- 58305. Nov. 24—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Rly. under Section 9.
- 58306. Nov. 24—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway under Section 9.

- 58307. Nov. 24—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway under Section 9.
- 58308. Nov. 24—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway under Section 9.
- 58309. Nov. 27—Approving Standard Goods Mileage Tariff C.T.C. No. 3 of Trans-Canada Air Lines.
- 58310. Nov. 24—Declaring C.N.R. crossing, first east of Port Credit station, Ontario, protected to Board's satisfaction.
- 58311. Nov. 25—Declaring C.N.R. crossing of highway west of Piapot Station, Sask., protected to Board's satisfaction.
- 58312. Nov. 25—Declaring C.P.R. crossing west of Lachute Station, Que., protected to Board's satisfaction.
- 58313. Nov. 27—Dismissing application of Department of Roads of Quebec for construction of highway No. 23 across Quebec Central Railway at Beauceville, Que.
- 58314. Nov. 27—Approving Traffic Agreement between Bell Telephone Co. and the West Garafraxa Telephone Co-Operative Association, Limited.
- 58315. Nov. 27—Approving Traffic Agreement between Bell Telephone Co. and the Dunsford Light and Power Co-Operative Association, Limited.
- 58316. Nov. 27—Authorizing the Village of Pont Rouge, Que., to construct highway crossing over C.P.R. at Croteau Road.
- 58317. Nov. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian National Railways under Section 3.
- 58318. Nov. 28—Authorizing C.N. Rlys. to construct additional track across highway east of Belmont Station, N.S., mileage 7·57, Springhill Subdivision.
- 58319. Nov. 29—Declaring C.P.R. public crossing east of Daysland Station, Alberta, protected to Board's satisfaction.
- 58320. Nov. 29—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian Pacific Rly. under Section 9.
- 58321. Nov. 29—Approving Traffic Agreement between Bell Telephone Co. and East Middlesex Telephone Company Limited.
- 58322. Nov. 29—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway under Section 9.
- 58323. Nov. 29—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian Pacific Railway Company under Section 9.
- 58324. Nov. 29—Declaring C.P.R. crossing west of Megantic Station, Que., M. 2·9, Megantic Subdivision, protected to Board's satisfaction.
- 58325. Nov. 29—Authorizing the issuing of a Licence to Dominion Skyways Limited for transportation between Senneterre and Waswanipi Lake, Quebec.
- 58326. Nov. 29—Declaring C.P.R. crossing west of Mount Orford Station, Que., protected to Board's satisfaction.
- 58327. Nov. 29—Declaring N. St. C. & T. Ry. Co.'s crossing (Stop 10), Twp. Thorold, Ont., protected to Board's satisfaction.
- 58328. Nov. 29—Approving Traffic Agreement between Bell Telephone Co. and Commissioners for Telephone System of Mun. of Twp. of Tiny.
- 58329. Nov. 30—Declaring C.N.R. crossing west of Monklands Station, Que., protected to Board's satisfaction.
- 58330. Nov. 30—Approving C.P.R. special contract for release of responsibility in connection with transportation of steel tanks, etc., in cold weather.
- 58331. Nov. 30—Approving C.N.R. special contract for release of responsibility in connection with transportation of steel tanks, etc., in cold weather.
- 58332. Nov. 30—Approving Supplement No. 4 of Wabash Railway Company's Local Standard Pass. Tariff C.T.C. 996
- 58333. Nov. 30—Requiring installation of two wigwags and one bell at C.P.R. crossing of Highway No. 69 north of Bala, Ont., mileage 116·10, MacTier Subdivision.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

OTTAWA, December 18, 1939

No. 20

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Dangerous Practices of Motorists, Drivers of Other Vehicles, and Pedestrians at Protected Crossings

In many cases accidents at highway crossings are due to negligence of those driving automobiles and other vehicles, and of pedestrians. This negligence is found both at unprotected and protected crossings.

The Canadian National Railways Lines from May 1, 1939, to October 31, 1939, show 112 cases where there was danger at protected crossings due to the negligence of those using the crossings.

The Canadian Pacific Railway from April 1, 1939, to September 30, 1939, shows a total of 434 cases.

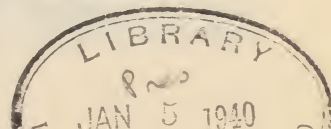
Notwithstanding safety devices and cautionary signals, people take chances and disregard safety. Motor accidents are becoming more frequent. Every sane motorist deplors this.

The Board hopes that the press will give as much publicity as possible to what is covered in the statement, with the hope that it may educate motor drivers and others to be more careful at crossings.

Some of the dangerous practices of careless drivers at highway crossings are set forth in the following lists. The most effective method of lessening such practices is through a program of education by the press.

CANADIAN NATIONAL RAILWAYS

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Mar. 15.....	3.55 p.m...	Ottawa St., Hamilton, Ont.	Ont. 33-K-20....	Approached crossing in careless manner running into crossing gates damaging them.
April 14.....	2.20 p.m...	Barton St. and Ferguson Ave., Hamilton, Ont.	Ont. 772-K-5....	Approached gates at excessive speed running into same break- ing them. Warning bell was sounded.
May 2.....	5.03 p.m...	Water St., Summerside, P.E.I.	P.E.I. 1225.....	Ignored stop signal.



CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
May 3.....	4.40 p.m....	Plank Road Crossing, Sar- nia, Ont.	Ont. 96-R-45....	Car did not stop in time to avoid hitting the platform of the base of west gate, slightly damag- ing same.
May 3.....	20.43 K.....	1st Ave. East, Prince Al- bert, Sask.	Sask. 6-653.....	Crossed in front of train when backing in. Red light against them; narrow escape.
May 4.....	16.33 K.....	1st Ave. East, Prince Al- bert, Sask.	Sask. 18849.....	Auto drove past stop sign when engine switching over crossing.
May 4.....	16.33 K.....	1st Ave. East, Prince Al- bert, Sask.	Sask. 18711.....	Auto crossed in front of engine when stop sign against it.
May 6.....	14.40 K.....	1st Ave. East, Prince Al- bert, Sask.	Sask. 17909.....	Driver of car failed to stop when sign against him when engine switching car over crossing.
May 8.....	6.53 p.m....	Gilbert's Lane, Saint John, N.B.	N.B. 3-703.....	Auto ran into gate stand dam- aging casting and gate arm.
May 9.....	6.30 a.m....	Davenport Rd., Toronto, Ont.	Ont. 77397-C....	Auto driver failed to observe railway signals damaging cross- ing gate.
May 10.....	16.48 K.....	1st Ave. East, Prince Al- bert, Sask.	Sask. 19946.....	Auto crossed in front of hand car when stop sign against him and driving very fast.
May 11.....	11.15 K.....	Water Ave., Winnipeg, Man.	Man. T-824.....	Truck went over crossing against stop signal in front of engine.
May 13.....	12.58 a.m....	Main St., Jarvis, Ont.....	Ont.....	Auto driver disregarded lower- ed crossing gates running into them and damaging same.
May 20.....	20.45 K.....	1st Ave. East, Prince Al- bert, Sask.	Sask. 18-441.....	Auto drove in front of moving train when stop sign against it.
May 20.....	10.56 K.....	Spadina Crescent West at C.N.R. crossing Avenue E., Saskatoon, Sask.	Sask. 101312....	Auto travelling about 45 m.p.h. turned and passed over cross- ing directly in front of train. Just missed being struck by engine.
May 24.....	11.00 a.m....	West St. crossing, Orillia, Ont.	Ont. 29-D-45....	Vehicle approached crossing at high speed running into cross- ing gate damaging same.
May 26.....	20.46 K.....	1st Ave. East, Prince Al- bert, Sask.	Sask. 18-143.....	Auto crossed in front of moving train when stop light against it.
May 27.....	10.20 p.m....	Weston Rd., Toronto, Ont.	Ont. 44-E-55....	Auto failed to approach crossing under control on slippery pave- ment. Ran into gates damag- ing them.
June 1.....	8.50 a.m....	Public road, M.82.5, Touch- wood Subdivision, Sask.	Sask. F-638.....	Auto approached crossing at such excessive speed that truck was unable to make turn.
June 1.....	8.25 a.m....	Montreal-St. Agathe High- way, Montfort Subdivi- sion, Que.	Que. F. 12-665..	Auto badly damaged; light dam- ages to engine. Drove onto crossing although heard en- gine whistle. Looked in oppo- site direction.
June 9.....	5.25 p.m....	Manitoba St., St. Thomas, Ont.	Ont. A-105-47...	Auto not under control. Ran into gates, damaging same.
June 10.....	8.05 a.m....	William St., London East, Ont.	Ont. 880-L-7....	Auto drove into crossing although watchman was standing with STOP disc to stop traffic; barely missed striking train.
June 15.....	12.17 p.m....	Young St., Truro, N.S....	NS 50-273.....	Auto did not stop for signal and crossed in front of train.
June 15.....	14.56 K.....	Public West switch, Netherhill, Sask., M.110, Rosetown Sub.	Sask. 31-197....	Auto drove in front of train and was demolished. Two occu- pants injured. Driver appar- ently looking at Extra West on siding and did not see other train approaching.
June 19.....	2.10 K.....	Public M.P. 52-31, Drum- heller, Sub., Alta.	Alta 5986-C-6235	Auto drove over crossing without making sure no train was ap- proaching.
June 18.....	17.22 K.....	1st Ave. East, Prince Al- bert, Sask.	Sask. 18349.....	Car drove past stop sign when handcar approaching crossing.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
June 16.....	9.10 p.m...	Broadway St., Wyoming, Ont.	Ont. 249-T-4....	Auto approached lowered crossing gate from north and unable to stop, crashing through and breaking gate and gate lamp.
June 16.....	5.25 p.m...	John St., Aylmer, Ont....	Ont. 901-P-7....	Auto drove through gate when same had been lowered for some time, damaging same.
June 17.....	21.00 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 17-895....	Auto crossed in front of moving train when red light against it.
June 19.....	9.10 a.m...	Sixth St., Brandon, Man..	Man. 6.335.....	Auto driver ignored stop signal when switch train almost at crossing.
June 22.....	5.50 p.m...	Bronson Ave., Ottawa, Ont.	Ont. 75-F-24....	Auto driver disregarded warning gong, ran under descending gate and was caught between two gates. Engine obliged to stop until gates raised and relowered to allow it to get off crossing.
June 24.....	15.20 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 18981....	Car passed in front of train when stop sign against it.
June 24.....	7.40 p.m...	Ottawa St., Hamilton, Ont.	Ont. 727-K-6....	Racing model auto, lowly built, approached gates in lowered position, stopped, then deliberately drove under them.
June 26.....	11.45 p.m...	Main St., Hamilton, Ont..	Ont. 31-K-99....	Auto stopped clear of crossing and when train within 25 or 30 feet of crossing started up again and passed over ahead of train.
June 27.....	9.49 a.m...	Wellington St., Aurora, Ont.	Ont. 8275-C.....	Truck driver failed to see or hear train and drove on to crossing immediately in front of engine and was struck. Proper crossing signals given.
June 27.....	12.15 p.m...	Water St., Summerside, P.E.I.	.....	Driver of auto ignored stop signal.
June 29.....	7.30 p.m...	Road crossing, Puce, Ont.	Mich. Y-19555..	Driver brought car to stop on crossing, forcing engineer to bring train to a stop, and car then driven away.
July 3.....	4.10 p.m...	Young St., Truro, N.S....	NS-87.388.....	Auto did not stop for stop sign and crossed in front of engine.
July 3.....	5.05 p.m...	Bronson Ave., Ottawa, Ont.	Ont. 13-F-22....	Auto speeded up on hearing warning gong and was trapped between gates.
July 4.....	20.38 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 301.....	Motorcycle crossed in front of train when backing up to depot.
July 4.....	1.51 p.m...	Josephine St., Wingham, Ont.	Ont. 553-A-3....	Driver of auto entirely disregarded locomotive whistle and bell, also crossing watchman's signal to stop, endangering his life and others.
July 7.....	7.25 p.m...	Plank Rd., Sarnia, Ont....	Ont. 112-R-3....	Driver did not stop car in time to prevent crashing into gates.
July 7.....	5.33 p.m...	Depot, Grimsby, Ont.....	Ont. 420-R-4....	Auto approached crossing at high rate of speed and unable to stop, running into gates, damaging them.
July 10.....	6.34 a.m...	St. Clair Rd., Batiscan Sub., Que.	Que. 5048-39....	Truck drove over crossing in broad daylight without first coming to stop to see train coming; was struck by passenger train.
July 10.....	21.00 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 19352....	Auto crossed in front of train with red light against them.
July 16.....	20.35 K.....	Lorne Ave., Saskatoon, Sask.	Sask. 67-5-84....	Auto travelling at excessive speed disregarding highway safety rules. Crossing blocked temporarily by train, and just missed hitting side of train.
July 17.....	4.18 p.m...	Bronson Ave., Ottawa, Ont.	Ont. 21-F-15....	Auto accelerated on hearing gong and ran into descending gates.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
July 19.....	11.35 a.m...	Water St., Summerside, P.E.I.	P.E.I. 7486.....	Driver of auto ignored stop signal.
July 19.....	4.45 p.m...	Mill St., Saint John, N.B.	Street car No. 128	Car skidded on motorman, broke northwest gate. Gates being lowered for engine.
July 21.....	21.05 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 17-574.....	Auto passed red light when train approaching.
July 21.....	21.05 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 3358.....	Auto passed red light in front of train.
July 21.....	26.04 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 18-576.....	Auto passed red light when train approaching.
July 22.....	21.26 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 18-064.....	Auto crossed in front of train when red light against it.
July 25.....	21.00 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 1-186.....	Auto crossed in front of train when red light against it.
July 26.....	21.10.....	104th Ave., Edmonton, Alta.	Alta. 90.....	Auto drove over crossing ahead of cars disregarding switchman flagging.
July 29.....	11.35 a.m...	Water St., Summerside, P.E.I.	N.S. 52-448.....	Driver careless in coming to railway crossing.
July 31.....	5.45 p.m...	Young St., Truro, N.S....	N.S. 50-966.....	Driver did not stop for stop sign and crossed in front of train.
July 31.....	14.37 K.....	1st Ave. East, Prince Albert, Sask.	Sask. D.R. 478.	Auto failed to stop when stop sign against it. Engine backing over crossing.
Aug. 1.....	19.40 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 19-711.....	Auto passed in front of moving train when stop sign against it.
Aug. 1.....	20.47 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 18-336.....	Auto crossed in front of train when red light against it.
Aug. 2.....	14.50 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 18-498.....	Auto failed to stop when push car coming over crossing.
Aug. 4.....	11.50 a.m...	Stanley St., Niagara Falls, Ont.	Ont. 920-C-6....	Auto failed to stop until front wheels were on rails.
Aug. 14.....	3.35 p.m...	Laurier Ave., Levis, Que..	Que. F-23182....	Gate was up and truck hooked same while starting due to load being too high.
Aug. 4.....	9.00 p.m...	Parkdale Ave., Hamilton, Ont.	Ont. 9-B-989....	Driver of auto disregarded stop signal and drove over crossing in front of train, narrowly avoiding striking watchman.
Aug. 5.....	4.05 p.m...	King St., Sherbrooke, Que.	Que. 84557.....	Auto driver did not stop at the bell warning.
Aug. 6.....	10.40 p.m...	First south of Callander, Ont., m. 107.5 Huntsville Subdivision.	Ont. 28-T-54....	Driver failed to see or hear train or wigwag or bells, striking engine. Proper crossing signals given, bells and wigwag operating.
Aug. 7.....	5.45 p.m...	Ottawa St., Hamilton, Ont.	Ont. 23-Y-81....	Driver of auto disregarded warning bell and ran into south gate which was being lowered, in spite of fact the north gates were down.
Aug. 10.....	12.59 a.m...	Front St., Toronto, Ont..	Ont. 3-H-998....	Auto drove on to wrong side of road and did not exercise sufficient care, resulting in damage to crossing gate.
Aug. 12.....	19.45 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 81-242.....	Driver of auto ignored stop sign when train backing over crossing.
Aug. 16.....	16.55 K....4	th Ave. West, Prince Albert, Sask.	Sask. 17644.....	Auto ran by stop sign.
Aug. 17.....	11.10 a.m...	Water St., Summerside, P.E.I.	P.E.I. 5212.....	Driver of auto ignored stop signal.
Aug. 20.....	12.15 p.m...	17 poles west of M.P. 25, No. 5 Prudhomme, Sask.	Sask. 1-343.....	Auto driven past stop sign at fifty miles per hour.
Aug. 20.....	4.45 p.m...	Pape Ave., Toronto, Ont..	Ont. 1413.....	Rode bicycle over crossing when gates down and warning bell ringing.
Aug. 22.....	16.01 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 19463.....	Driver failed to stop when engine in vicinity.

CANADIAN NATIONAL RAILWAYS—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Aug. 26.....	22.53 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 18-445.....	Auto crossed in front of train when red light against it.
Aug. 23.....	16.01 K.....	1st Ave. East, Prince Albert, Sask.	Sask. T-536.....	Truck failed to stop when engine in vicinity.
Aug. 23.....	16.01 K.....	1st Ave. East, Prince Albert, Sask.	Sask. 17714.....	Auto failed to stop when engine in vicinity.
Aug. 26.....	19.00 K.....	Mileage 92, Touchwood Subdivision, Semans, Sask.	Ont. 4-Z-787.....	Auto travelling at excessive speed while passing over public crossing and crashed into the protection fence on north side of track.
Aug. 28.....	6.55 K.....	Temporary private east of M.P. 38, Tessier Yd. Rosetown Subdivision.	Sask. 61679.....	Truck driven on to track in front of approaching train. Truck damaged and two occupants severely injured.
Sept. 2.....	7.00 a.m....	Front St., Orillia, Ont....	Ont. 49499-C.....	Truck driven on to crossing before gates lifted high enough and rack caught east leg of north gate breaking it off completely.
Sept. 3.....	5.07 p.m....	Bronson Ave., Ottawa, Ont.	Ont. 34-F-65.....	Car not under sufficient control, could not stop and was caught between gates. Started sounding warning gong and lowering gates when machine approximately 300 ft. south of crossing. Driver applied brakes almost instantly but was unable to stop. Machine left a skid mark of about 30 feet long from rear wheel coming to stop across rails.
Sept. 4.....	8.15 p.m....	Maple St., Simcoe, Ont....	Ont. 202-P-2.....	Auto ran into cars standing on crossing.
Sept. 4.....	.....	Highway No. 11, M.107 5, Huntsville, Callander, Ont.	Ont. 5-W-55.....	While way-freight was switchin over highway crossing, driver of auto would not stop on signal, but drove around end of moving car.
Sept. 5.....	7.20 p.m....	Lindsay St., Drummondville, Que.	.....	Truck struck the south gate at above crossing, damaging same.
Sept. 6.....	11.30 p.m....	Royce Ave., Toronto, Ont.	Ont. 54-X-24.....	Driver of auto failed to observe crossing gates down, resulting in damage to same.
Sept. 16.....	11.45 a.m....	Water St., Summerside, P.E.I.	PEI 6130.....	Driver of auto ignored stop signal
Sept. 16.....	3.35 p.m....	Water St., Summerside, P.E.I.	PEI 6106.....	Auto backed up, stopping on crossing.
Sept. 20.....	12.14 p.m....	First crossing south of Brechin East, M. 71-66, Bala Subd., Ont.	Ont. 7-N-451.....	Auto travelling northward just escaped colliding with train at above crossing.
Sept. 20.....	8.50 a.m....	Echo Drive, Ottawa, Ont.	Ont. 3-F-65.....	Car approached crossing, almost stopped, then rushed past stop sign and just cleared passenger train.
Sept. 21.....	5.46 p.m....	Young St., Truro, N.S....	NS 21-891.....	Auto did not stop for signal and drove on track in front of train.
Sept. 22.....	6.30 p.m....	Bronson Ave., Ottawa, Ont.	Ont. 55704-C.....	Truck driver was not prepared to stop when gates were down.
Sept. 22.....	9.25 a.m....	Front St., Orillia, Ont....	Ont. 49488-C.....	Truck approaching crossing from north and failed to stop, breaking both north gates.
Sept. 25.....	10.21 p.m....	Public east of Ste. Thecle station, M. 24-2, St.Tite Sub., P.Q.	Que. 126-210....	Auto did not stop at crossing and ran into left side rod of engine.
Sept. 23.....	7.50 a.m....	Laurier Ave., Levis, Que..	Que. F-13783....	Driver of auto passed too close to the gate and the top of truck struck and damaged gate.
Sept. 23.....	10.45 a.m....	Sixth St., Brandon, Man..	Man. 59-455.....	Auto driver ignored stop signal when switch train almost at crossing.

CANADIAN NATIONAL RAILWAYS—*Concluded*

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Sept. 26.....	5.30 p.m....	Mill St., Saint John, N.B.	NB-6042.....	Auto went through north gate, breaking it on south side. Driver said he did not know what happened to the car. Gate spindle also broken.
Oct. 2.....	22.10 K.....	Public, M.P. 52-31, Drumheller Sub., Calgary, Alta.	Alta. 8-521.....	Auto drove over crossing without making sure same was clear.
Oct. 4.....	15.45 K.....	Darlington St., Yorkton, Sask.	Sask. 23847.....	Auto proceeded over crossing before first bringing it to stop to ascertain if cars or engine in vicinity.
Oct. 4.....		Racine St., Chicoutimi, Que.	Que. F-14-919....	Auto driver blinded by sun ran into side of train. Yardman on crossing protecting traffic.
Oct. 6.....		Laurier Ave., Levis, Que..	Que. L-5856.....	Driver of truck drove too close to crossing gates, striking one of them.
Oct. 7.....	1.15 a.m....	Lindsay St., Drummondville, Que.	Que. 104809.....	Auto running north to south at above crossing struck both electric gates, damaging same.
Oct. 7.....	24.15 K.....	Highway at M. 87-84, Asquith Sub., Juniata, Sask.	Sask. 79-474.....	Auto drove into side of box car of moving train, being twelfth car from caboose in train of 65 cars and was badly damaged. Occupant died.
Oct. 11.....	8.30 K.....	M.P. 37-5, Stettler Subd., Calgary, Alta.	Alta. 61369.....	Auto drove over crossing without making sure same was clear.
Oct. 9.....	10.44 p.m....	Bronson Ave., Ottawa, Ont.	Ont. 1-F-791.....	Driver of auto disregarded warning gong and ran under descending gate.
Oct. 10.....	12.10 p.m....	Highway St., Collingwood, Ont.	Ont. 4-N-710.....	Auto driver failed to see or hear train backing towards crossing until it reached crossing, then swerved and rear fender struck by caboose steps.
Oct. 11.....	12.15 p.m....	Water St., Summerside, P.E.I.	PEI 6898.....	Auto driver ignored stop signal.
Oct. 11.....	10.45 a.m....	Highway crossing, Jarvis, Ont.		Auto running at high speed over crossing.
Oct. 12.....		Second crossing west of Lynden, Sarnia, Ont.		Gas and oil truck drove over crossing close in front of fast oncoming passenger train with truck containing high explosives.
Oct. 17.....	1.12 p.m....	Walton St., Port Hope, Ont.	Ont. 86-Z-2.....	Auto disregarded stop signal as train was coming in.
Oct. 23.....	7.05 K.....	Public, M. 40-7, Drumheller, Sub., Calgary, Alta.	Ont. 68973.....	Auto drove on to crossing without making sure no train was approaching.
Oct. 30.....	11.05 a.m....	South of Mount Albert Station, M. 40-8, Mount Albert, Ont.	Ont. 81845.....	Truck crossed immediately ahead of train, narrowly averting an accident.
Oct. 26.....	8.10 K.....	Lorne Ave., Saskatoon, Sask.	Sask. 146327.....	Driver of auto tried to beat train over crossing. Auto damaged.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)

NEW BRUNSWICK DISTRICT

May 18.....	9.20 a.m....	Epworth Park, m. 11-1, Saint John Subdivision. Unprotected.		Government road grader struck on crossing by train.
July 7.....	8.35 a.m....	Douglas Ave., Saint John, N.B.	N.B. 24-259.....	Car drove under gates while being lowered.
July 10.....	2.30 p.m....	Main St., Fairville, N.B.	N.B. 2-159.....	Car drove under east gate while being lowered.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

NEW BRUNSWICK DISTRICT—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
July 20.....	11.30 a.m....	Water St., St. Andrews, N.B.	P.T. 89-C-N....	Train running not more than eight miles per hour going south over this crossing when auto licence as above shot over crossing in front of engine.
July 29.....	10.55 a.m....	Douglas Ave., Saint John, N.B.	N.B. 3-881.....	Car drove under gates while being lowered.
Aug. 26.....	7.45 p.m....	Main St., Fairville, N.B..	N.B. 3-973.....	Car drove under west gate at high rate of speed while gate was being lowered, struck rod on gate.

QUEBEC DISTRICT

April 27.....	10.30 p.m. .	St. Hyacinthe St., Hull, Que.	Ont. 3-F-763....	Train travelling at about 10 m.p.h. came to full stop to avoid hitting auto that was approaching from north side. Auto came to full stop at same time, thereby avoiding accident. Auto just clear of buffer beam of engine.
May 13.....	6.54 p.m....	Public, m. 23-65, Trois Rivieres Sub., Que.	Que. F-15931....	Truck travelling at high rate of speed struck engine and completely demolished. Owner and three other occupants of truck fatally injured.
May 15.....	5.20 p.m....	Mileage 20-8, Drummond- ville Sub., Que.	Que. 169-537....	Auto drove on to crossing at high rate of speed ahead of train. Driver injured and car badly damaged.
May 26.....	10.48 a.m....	Bonaventure St., Trois Rivieres, Que.	Que. A-598.....	Crossing gates being lowered for movement of switch engine when auto-bus, travelling north to south, failed to stop and top of bus struck north side gate.
June 1.....	3.15 p.m....	M. 50-7, Newport Subdiv- sion, Que.	V.T. 41028.....	School bus ran into side of fast train.
June 7.....	4.50 p.m....	Aylmer Rd., Hull, Que...	Ont. 60-F-85....	Auto ran off highway in front of engine running tender first. Left leading corner of tender struck auto at hinges of front door pushing a distance of 220 feet, totally wrecking it and injuring driver and occupant. Wigwag working, whistle sounded, warnings given.
June 15.....	5.00 p.m....	St. Maurice St., Trois Riv- ieres, Que.	Que. 91-573.....	Yard engine pushing eight empty cars towards crossing and leading car struck auto which had stopped foul of crossing, after disregarding stop signals given by yardman stationed at crossing.
June 23.....	5.45 p.m....	Mileage 77-6, Sherbrooke Sub., Que.	Que. 8237.....	Chevrolet coach drove into passenger train striking engine at front end. Four in car including driver, injured more or less seriously.
June 24.....	1.30 a.m....	Rockland Ave., Outre- mont, Que.	Ont. 8-C-851....	Crossing gates had been lowered for movement of yard engine when auto failed to stop and ran through gate breaking arm of gate and glass of lamps attached to gate.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
June 27.....	2.10 p.m...	Mileage 11.8, Newport Sub., Que.	165-295.....	Driver of Ford coupe said he made usual highway stop, noticed train coming and thought he had plenty of time to cross tracks. Auto stalled on crossing.
June 27.....	8.45 p.m...	Dalhousie St., Quebec, Que.	Que. 106541.....	As yard engine in back-up movement was pushing five cars over crossing, auto struck leading left corner of first car causing slight damage to auto. Auto had proceeded along Dalhousie St. and was making left turn over tracks at intersection at St. Andrew St., driver failing to notice signals given by yard crew.
June 28.....	9.03 p.m...	First public east Vankleek Hill, Ont.	Que. 148678.....	Auto struck side of engine and was turned over and left about ten feet west of crossing, clear of main line. Brakes put on in emergency in train. Whistle sounded for crossing and bell ringing.
July 7.....	5.06 p.m...	Westminster Ave., Montreal West, Que.	Que. F-8292.....	While gates were being lowered for passenger train auto truck moved into crossing and came in contact with arm of south-east gate breaking tip.
July 7.....	7.10 p.m...	Highway, M. 30-53, Trois Rivieres Sub., Lavaltrie, Que.	Que. 122418.....	Auto stalled foul of track south of crossing as train sounding whistle. Occupants had time to get out of car before train reached crossing. Engine struck auto pushing it clear of track. Engineer observed car was foul of crossing at whistle board and applied emergency brake, reducing speed to ten miles per hour.
July 7.....	10.35 a.m...	First public west of Lachine Station, Que.	.....	As train was moving slowly over crossing, unattended horse became frightened, ran toward train and jumped on deck of flat car on train then jumped off. Horse apparently uninjured—delivery wagon badly damaged.
July 8.....	4.50 p.m...	Beaubien St., Montreal, Que.	Que. F-8838.....	While crossing gates being lowered for freight train, auto truck failed to stop before striking arm of west gate breaking the tip—chauffeur proceeded before gateman could obtain name and address.
July 11.....	3.15 p.m...	Elmhurst Ave., Montreal, Que.	Que. K-635.....	Gates lowering for pool train when truck approached crossing and failed to stop before some cases loaded on truck came in contact with tip of northwest gate and end of arm was broken off.
July 11.....	8.18 a.m...	1st west of Como Station, M. 6-3, M. & C. Subd.	Que. F-21353....	Truck struck at rear, throwing same into ditch. Driver, who received slight cut on forehead, did not stop approaching crossing. Weather bright and clear and good view approaching over crossing.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
July 17.....	12.25 a.m...	Highway, M. 18-5, Ste. Agathe Subd. (unprotected).	Que. 173165.....	As train passing over crossing auto failed to stop and ran into left front cylinder cover of engine. Whistle signal had been sounded for crossing and engine bell ringing with headlight burning.
July 22.....	4.37 p.m...	Mileage 24-1, Carleton Place Subd.	Ont. 761-U-7....	Train struck and instantly killed occupant of auto approaching from north. Engine crew did not see nor know anything of affair until they heard peculiar sound. Train was stopped and driver and auto found on pilot of engine.
Aug. 11.....	6.50 a.m...	Sanche St., St. Therese, Que.	Que. A-358.....	As train proceeding over crossing at speed of 5 miles per hour, Provincial Transport Co.'s autobus ran into side of engine.
Aug. 12.....	10.15 p.m...	Church St., Cote St. Paul, Montreal, Que.	Alta. 1-585.....	As transfer engine pushing van over crossing, van struck auto which had stopped in centre of track. Two yardmen to flag traffic and signals disregarded by driver. Auto badly damaged.
Aug. 19.....	4.37 p.m...	Champlain St., St. Johns, P.Q.	.....	Pedestrian killed when she attempted to cross over tracks in front of train.
Sept. 3.....	4.45 a.m...	Rockland Ave., Outremont, Que.	Vehicle.....	After rig had been standing at lowered crossing gates, horse became frightened and ran through north gate, which was broken. Gates had not been moved by crossing watchman.
Sept. 9.....	4.30 p.m...	Henderson St., Quebec....	Que. F-400.....	As yard engine making back-up movement with yard foreman in charge flagging traffic, the driver in charge of military truck crossed ahead of engine and struck and broke foot-board on right side of tender. Truck continued and it could not be ascertained if truck was damaged.
Sept. 12.....	7.15 a.m...	Farm, M. 17-66, Park Ave. Subd., Rosemere.	Que. 44-634.....	Train about 200 feet from crossing when auto approached at slow speed, failing to stop. Left side of pilot struck auto near front, knocking it into ditch on right of way. Car occupied by five persons who suffered slight injury and shock.
Sept. 18.....	10.55 a.m...	Valois Ave., Valois, Que..	.....	Lady attempted to cross ahead of train but failed to make platform and was struck, passing away shortly after. Crossing protected by wigwag which was working.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

QUEBEC DISTRICT—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Sept. 19.....	10.50 p.m...	St. Redempteur St., Hull, Que.	Ont. 408-F-9....	Light engine proceeding from Ottawa, tender first, auto ran into left corner and was slightly damaged. Engine bell ringing and headlight burning.
Sept. 22.....	11.15 p.m...	Public, M. 60-78, Winchester subd.	Ont. 5-H-256....	Train struck auto, which was travelling south to north. Engine whistle had been sounded and engine bell ringing. Auto thrown clear of east main track.
Sept. 25.....	9.28 a.m...	Second east of West Sheffield, Ont.	Que. 116-483....	Chrysler coach with three occupants hit by train when travelling north to south in face of train. All were killed.
Sept. 30.....	7.38 a.m...	Cremazie Road, M. 7-24, Park Ave. subd.	Que. N-4060....	Train moving over when Ford truck ran into left side of engine, striking cab steps. Driver seriously hurt about head, and his wife, who accompanied him, was killed instantly. Crossing protected with wigwag signals, which were working.

ONTARIO DISTRICT

April 2.....	8.50 p.m...	Mileage 12-58, Dixie, Ont.	Ont. 25427.....	Notwithstanding wigwags operating, auto crossed tracks in front of freight train and was struck, killing two 17-year-old boys.
April 3.....	11.18 a.m...	First St., London, Ont....	Ont. 26883-C....	Truck stalled on crossing and struck by train, killing driver.
April 3.....	5.55 p.m...	Keating St., Toronto, Ont.	Ont. 6-H-880....	While yard crew making a movement from north to south side, yardman in centre of street flagging traffic, auto on Leslie street travelling at an excessive speed, turned west, ignoring stop sign, barely missing yard movement.
April 21.....	11.00 a.m...	Anne St., London, Ont....	.....	Truck passed standing auto at gate barrier, which was down, drove around on boulevard outside of gate stand and crossed track as yard engine approaching.
April 29.....	8.30 a.m...	Northumberland Ave., Ayr, Ont.	.....	Some vehicle while wigwag signal operating, struck banner and damaged same.
May 3.....	7.30 a.m...	Church St., Weston, Ont..	Ont. 5-K-358....	While gates down protecting movement, C.N.R. welding outfit, auto, eastbound, crashed into gate on west side of track, breaking same. Driver stated brakes on his car "went wrong"
May 6.....	2.00 p.m...	MacLennan Ave., Toronto, Ont.	Ont. 78-Z-54....	As eastbound train approached, electric bell went on, and No. 3 gate on north side being lowered when auto drove under gate striking and breaking point of gate.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ONTARIO DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
May 12.....	5.25 p.m....	Siding into National Iron Co., Fleet St. E., Toronto, Ont.	Ont. 461-A-4....	Yardman with stop sign protecting movement and had vehicular traffic stopped on Fleet St. in both directions when auto was stopped by yard foreman with upraised arms. Driver then decided to come ahead and put front bumper of car against yard foreman's legs shoving him out of way, then proceeded over track with engine and cars about one-quarter of the way over Fleet Street.
May 16.....	8.55 p.m....	Glencoe Station, Ont.....	Ont. 3-M-401....	Freight train pulling in on passing track, auto unable to stop and struck front draw-bar of engine. Engine whistle sounded for crossing and engine bell ringing.
May 21.....	10.55 p.m....	George St., Peterboro, Ont.	Ont. 87-U-12....	Auto drove through northeast and southeast gates.
May 30.....	12.05 p.m....	Lindsay Yard, Ont.....	Ont. 135-D-1....	Auto parked foul of main track north side of King St. and struck by engine.
June 6.....	5.55 p.m....	Quebec St., London, Ont..	933-L-6.....	Engine approaching, and driver of auto disregarded signals and crossed in front of engine.
June 13.....	7.10 a.m....	Front St. West, Toronto, Ont.	Ont. 8-A-638....	Switching movement stopped on north side of street with foreman protecting crossing. He stopped auto and driver told him he was in a hurry. Foreman told him he had to stop him so that other vehicles would stop. He then gave signal for movement to cross and motorist, a foreman talking to him, started motor and crossed tracks, narrowly missing movement of cars.
July 3.....	8.48 a.m....	Public, M. 73-9, MacTier Sub., Ont. (unprotected)	Ont. 48934-C....	Train running about 40 m.p.h. Train struck Ford truck turning it over on its side, the driver and son receiving slight injuries. Warning signals given but driver claimed he did not see train until too late to stop.
July 5.....	5.25 p.m....	George St., Peterboro, Ont.	Ont. 949-W-3....	After crossing bell had been sounded all four gates lowered to allow train to proceed east, auto crashed through gates demolishing northwest arm.
July 16.....	10.23 p.m....	Tecumseh Rd., Windsor, Ont.	Ont. 92-M-41....	Yardman flagging movement over street when auto approached at high rate of speed and failed to stop, chasing watchman to side of street.
July 17.....	7.30 a.m....	Public, M. 116-1, MacTier Subdivision, Ont. (unprotected).	Ont. 49771-C....	When approaching Bala, train struck Ford truck on crossing, driver of same dying shortly afterwards. All warning signals given for crossing.
July 17.....	3.10 p.m....	Queen St., Chatham, Ont.	Ont. 25787C.....	Gate lowered for movement when truck crashed into gate breaking same. Warning bell ringing.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ONTARIO DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
July 19.....	10.23 a.m...	Second east of Newbury, Ont. (unprotected).	.....	Driver of vehicle failed to notice approach of train or hear engine bell and whistle. Buggy struck by train and driver killed.
Aug. 8.....	11.05 p.m...	Public, M. 2-65, Teeswater Sub., Ont. (unprotected)	Ont. 1-B-593....	Train travelling about 20 m.p.h. struck Chevrolet coach on crossing, driver and her son, age 5, being injured. Signals given. Driver said she did not notice train.
Aug. 19.....	7.55 p.m...	Adelaide St., London, Ont.	Ont. 1-M-204....	Watchman flagging crossing and auto disregarded stop signal and crossed tracks when train only 50 feet away.
Aug. 29.....	11.50 a.m...	Pall Mall St., London, Ont.	Ont. 90-L-1....	Gates lowered for train, auto approaching slowly but unable to stop before running into gate arm breaking same.
Aug. 30.....	5.24 p.m...	George St., Peterboro, Ont.	Ont. 272-D-8....	After crossing bell sounded and gates lowered, auto ran into and damaged southeast crossing gate.
Sept. 3.....	8.23 p.m...	Waterloo St., London, Ont.	Ont. 64-B-94....	Gates down, signals given and bells ringing. Car unable to stop before striking gate arm breaking it. Skidded 85 feet with only one brake working.
Sept. 5.....	7.30 a.m...	Public, M. 59-85, Goderich Sub., Ont.	.....	While patrolling track motor car struck by truck, wrecking motor car and injuring sectionman.
Sept. 6.....	1.15 p.m...	Centre St., Chatham, Ont.	.....	When gates lowered auto or truck ran into and broke gate arm and casting. These gates operated from tower one block distant and gateman unable to secure licence.
Sept. 6.....	11.05 a.m...	Public, M. 86-79, MacTier Sub., Ont.	Ont. 49864C....	When travelling 40 m.p.h. train struck Chevrolet truck, driver being fatally injured. Another occupant jumped clear and was uninjured. Signals given and engine bell ringing.
Sept. 6.....	10.15 p.m...	Keating St., Toronto, Ont.	Ont. 55-E-3....	Yardman protecting crossing with lamp, auto slowed up on signal then went ahead as train was part way across, and proceeded over crossing.
Sept. 6.....	11.15 p.m...	Keating St., Toronto, Ont.	Ont. 7-J-579....	Yardman protecting crossing stopped an eastbound and westbound car, when another westbound car came along and went on inside of first eastbound car and turned into a field. Driver refused to answer any questions.
Sept. 7.....	1.00 a.m...	Front St., Toronto, Ont...	Ont. 614-A-8....	Gateman lowered all gates for yard engine. When engine cleared crossing he was about to raise gates when a westbound auto broke north side of gate.
Sept. 10.....	3.30 p.m...	Public, M. 18-66, Oshawa Sub., Ont.	Ont. 8-X-309....	Driver, who apparently did not see nor hear train whistle, drove on to crossing in front of train. Driver and wife seriously injured and daughter killed instantly.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—*Concluded*ONTARIO DISTRICT—*Concluded*

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Sept. 12.....	8.55 p.m...	Richmond St., London, Ont.	Ont. 263-L-2....	Gates lowered for train. After crossing cleared and gates being raised, car came ahead too fast and broke gate arm off.
Sept. 20.....	1.10 a.m...	Kipling Ave., Islington, Ont.	Ont. 7-K-485....	While train was pulling through crossovers at Obico, Chevrolet coach travelling south on Kipling Ave., after skidding 110 ft. collided with west end of second car ahead of van. Two occupants slightly injured, third uninjured, and fourth disappeared.
Sept. 20.....	1.10 p.m...	Highway No. 21, Thamesville, Ont.	Ont. 14368.....	Dodge sedan failed to notice approach of eastbound fast freight and ran into side of engine.
Sept. 22.....	2.20 p.m...	Public, M. 40-04, McTier Subd. (unprotected).	Ont. 6-T-432....	After stopping at blocked crossing driver of Mercury sedan proceeded to go over crossing; motor stalled on crossing and just then he heard engine whistle of train. He and his wife got out of car and stood aside. Engineer of train applied brakes in emergency but was unable to stop train before it struck auto on crossing.
Sept. 26.....	5.35 a.m...	Richmond St., London, Ont.	Ont. 350-C-9....	Auto ran into southeast gate arm breaking it. Driver said could not see gate arm or gate lamp for rain on windshield.
Sept. 27.....	12.25 a.m...	Richmond St., London, Ont.	Ont. 734-L-3....	Auto drove into northwest gate-arm, breaking it. Claims did not see gate lantern although lit.
Sept. 27.....	10.32 a.m...	Highway, west of Myrtle station, M. 63-66, Peterboro Subdivision.	Ont. 16587-C....	Train struck Ford truck loaded with cattle and hogs. Driver of truck badly injured, and later died in hospital. Crossing protected with wigwag, which was working at time of accident.
Sept. 30.....	1.00 p.m...	Adelaide St., London, Ont.	Ont. 67-L-19...	After engine passed over crossing taxicab driver disregarded watchman's stop signals and drove over tracks in front of passenger train, being struck. Driver and one passenger fatally injured.

ALGOMA DISTRICT

April 9.....	4.30 p.m...	Golf St., North Bay, Ont.	5848.....	Motorcycle passed while bells and wigwags working.
April 10.....	5.25 p.m...	Golf St., North Bay, Ont.	15-W-30.....	Auto passed while bells and wigwags working.
April 10.....	5.40 p.m...	Golf St., North Bay, Ont.	1-Z-693.....	Auto passed while bells and wigwags working.
April 13.....	6.40 p.m...	Golf St., North Bay, Ont.	15-W-37.....	Auto passed while bells and wigwags working.
April 13.....	6.40 p.m...	Golf St., North Bay, Ont.	67242-C.....	Auto passed while bells and wigwags were working.
April 17.....	5.30 p.m...	Golf St., North Bay, Ont.	7-E-537.....	Auto passed while bells and wigwags were working.
April 17.....	5.35 p.m...	Golf St., North Bay, Ont.	7-E-537.....	Auto passed while bells and wigwags were working.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ALGOMA DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
April 23.....	10.15 a.m...	Golf St., North Bay, Ont.	6-W-83.....	Auto passed while bells and wigwags working.
April 23.....	2.40 p.m...	Golf St., North Bay, Ont.	7-E-884.....	Auto passed while bells and wigwags working.
April 24.....	5.50 p.m...	Golf St., North Bay, Ont.	33-W-71.....	Auto passed while bells and wigwags were working.
April 26.....	4.30 p.m...	Golf St., North Bay, Ont.	46227-C.....	Auto passed while bells and wigwags were working.
May 3.....	2.15 p.m...	Golf St., North Bay, Ont.	7-E-762.....	Auto went by while wigwags were working.
May 5.....	1.30 p.m...	Golf St., North Bay, Ont.	7-E-419.....	Auto went by while wigwags were working.
May 11.....	1.50 p.m...	Golf St., North Bay, Ont.	6-W-376.....	Auto went by while wigwags were working.
May 12.....	10.30 a.m...	Golf St., North Bay, Ont.	35-W-54.....	Auto went by while wigwags were working.
May 16.....	9.45 a.m...	Golf St., North Bay, Ont.	9-T-601.....	Auto went by while wigwags were working.
May 17.....	2.45 p.m...	Golf St., North Bay, Ont.	20-W-88.....	Auto went by while wigwags were working.
May 18.....	12.40 p.m...	Golf St., North Bay, Ont.	15-W-55.....	Auto went by while wigwags were working.
May 19.....	1.30 p.m...	Golf St., North Bay, Ont.	25-W-19.....	Auto went by while wigwags were working.
May 23.....	11.35 a.m...	Golf St., North Bay, Ont.	18-W-84.....	Auto went by while wigwags were working.
June 2.....	11.20 a.m...	Golf St., North Bay, Ont.	22-W-46.....	Auto went by while wigwags were working.
June 10.....	2.50 p.m...	Golf St., North Bay, Ont.	32-W-2.....	Auto went by while wigwags were working.
June 12.....	8.35 a.m...	Golf St., North Bay, Ont.	85-J-5.....	Auto went by while wigwags were working.
June 15.....	1.25 p.m...	Golf St., North Bay, Ont.	15-W-97.....	Auto went by while wigwags were working.
June 17.....	10.05 a.m...	Golf St., North Bay, Ont.	D-3378.....	Auto went by while wigwags were working.
June 21.....	1.15 p.m...	Golf St., North Bay, Ont.	9-A-614.....	Auto went by while wigwags were working.
June 21.....	2.25 p.m...	Golf St., North Bay, Ont.	4-D-691.....	Auto went by while wigwags were working.
June 22.....	9.45 a.m...	Golf St., North Bay, Ont.	95-P-96.....	Auto went by while wigwags were working.
June 22.....	1.15 p.m...	Golf St., North Bay, Ont.	22-W-63.....	Auto went by while wigwags were working.
June 27.....	1.40 p.m...	Golf St., North Bay, Ont.	6762-C.....	Auto went by while wigwags were working.
June 29.....	1.15 p.m...	Golf St., North Bay, Ont.	168-V-7.....	Auto went by while wigwags were working.
July 1.....	1.05 p.m...	Golf St. crossing, North Bay, Ont.	Ont. 7-E-405....	Automobile passed over crossing while bells and wigwags working.
July 3.....	8.30 a.m...	Riverside St. crossing Sudbury, Ont.	Ont. 66422-C....	Yard engine struck truck at crossing with no serious damage. A yardman was standing at crossing flagging car approaching other direction but driver of truck unable to stop account faulty brakes.
July 10.....	6.30 p.m...	Golf St. crossing, North Bay, Ont.	Ont. 27-W-45....	Automobile passed over crossing while bells and wigwags working.
July 11.....	9.35 a.m...	Golf St. crossing, North Bay, Ont.	Ont. 16-A-2.....	Automobile passed over crossing while bells and wigwags working.
July 13.....	1.50 p.m...	Golf St. crossing, North Bay, Ont.	Ont. 48-Z-55....	Automobile passed over crossing while bells and wigwags working.
July 17.....	7.05 a.m...	Golf St. crossing, North Bay, Ont.	Ont. 32-P-40....	Automobile passed over crossing while bells and wigwags working.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ALGOMA DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
July 19.....	3.50 a.m....	Louis St. crossing, Sudbury, Ont.	Ont. 9-W-228....	Pontiac coupe driven on to cross immediately in front of engine moving tender first. Auto noticed by fireman who notified engineer to stop, but corner of tender came in contact with auto. Driver and two women passengers refused to answer questions and drove away after affair.
July 19.....	6.30 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 16-W-49....	Automobile passed over crossing while bells and wigwags working.
July 20.....	4.00 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 28-W-41....	Automobile passed over crossing while bells and wigwags working.
July 20.....	10.20 a.m....	Golf St. crossing, North Bay Ont.	Ont. 21-W-41....	Automobile passed over crossing while bells and wigwags working.
July 21.....	11.45 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 47-A-18....	Automobile passed over crossing while bells and wigwags working.
July 21.....	4.50 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 16-W-49....	Automobile passed over crossing while bells and wigwags working.
July 21.....	5.00 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 31-S-16....	Automobile passed over crossing while bells and wigwags working.
July 22.....	2.00 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 6-E-855....	Automobile passed over crossing while bells and wigwags working.
July 24.....	9.45 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 5526.....	Automobile passed over crossing while bells and wigwags working.
July 25.....	3.00 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 33-W-99....	Automobile passed over crossing while bells and wigwags working.
July 27.....	8.40 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 350-Z-0....	Automobile passed over crossing while bells and wigwags working.
July 29.....	5.45 a.m....	Golf St. crossing, North Bay, Ont.	Ont. K-27213....	Automobile passed over crossing while bells and wigwags working.
Aug. 1.....	10.10 a.m....	Mileage 0-90 Riordon spur, Ont. (unprotected).	Ont. 20-W-29....	While switching mill at Timiskaming, engine with 10 cars ahead struck car when going over crossing near Government Dam. Driver apparently stopped on crossing to watch some men carrying fish and did not notice cars approaching. Trainman riding on leading car shouted to driver, but latter did not hear him.
Aug. 2.....	8.13 a.m....	Public crossing, mileage 34-7, Cartier Subdivision, Ont. (unprotected).	.....	Train running about 40-45 miles per hour struck tractor and trailer at crossing. Trailer loaded with oil drums and planks. Occupants of tractor injured and engine, tender and 5 cars derailed.
Aug. 3.....	10.20 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 8-H-95....	Automobile passed over crossing while bells and wigwags working.
Aug. 5.....	1.45 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 25-W-78....	Automobile passed over crossing while bells and wigwags working.
Aug. 8.....	10.45 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 26684-C....	Automobile passed over crossing while bells and wigwags working.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—Continued

ALGOMA DISTRICT—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Aug. 12.....	11.40 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 17-W-10....	Automobile passed over crossing while bells and wigwags working.
Aug. 12.....	2.10 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 5-C-765....	Automobile passed over crossing while bells and wigwags working.
Aug. 21.....	2.20 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 13-W-22....	Automobile passed over crossing while bells and wigwags working.
Aug. 23.....	11.55 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 7-E-76....	Automobile passed over crossing while bells and wigwags working.
Aug. 23.....	5.20 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 24-A-78....	Automobile passed over crossing while bells and wigwags working.
Aug. 24.....	4.00 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 32-B-81....	Automobile passed over crossing while bells and wigwags working.
Aug. 24.....	6.05 a.m....	Riverside St. crossing, Sudbury, Ont.	Ont. 3-W-750....	Engine and baggage car had moved over crossing and when backing up struck auto. Yardman signalled driver to stop but failed to do so.
Aug. 26.....	5.30 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 4-C-180....	Automobile passed over crossing while bells and wigwags working.
Aug. 27.....	9.00 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 6-E-783....	Automobile passed over crossing while bells and wigwags working.
Aug. 28.....	12.55 a.m....	Riverside St. crossing, Sudbury, Ont.	Ont. 652-V-2....	While pushing 7 cars over crossing, Pontiac coupe struck east end of box car. Yardman on crossing endeavoured to stop automobile which was on wrong side of street, but driver ignored signal.
Aug. 28.....	10.20 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 9-W-80....	Automobile passed over crossing while bells and wigwags working.
Aug. 29.....	3.45 p.m....	Golf St. crossing, North Bay, Ont.	45176.....	Automobile passed over crossing while bells and wigwags working.
Aug. 29.....	6.30 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 1-E-873....	Automobile passed over crossing while bells and wigwags working.
Aug. 30.....	6.20 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 32-W-83....	Automobile passed over crossing while bells and wigwags working.
Aug. 31.....	2.50 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 7-E-180....	Automobile passed over crossing while bells and wigwags working.
Sept. 1.....	5.30 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 52-W-75....	Automobile passed over crossing while bells and wigwags working.
Sept. 1.....	8.20 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 6-E-143....	Automobile passed over crossing while bells and wigwags working.
Sept. 5.....	6.10 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 6-W-715....	Automobile passed over crossing while bells and wigwags working.
Sept. 5.....	7.35 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 7-E-411....	Automobile passed over crossing while bells and wigwags working.
Sept. 6.....	6.45 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 15-W-2....	Automobile passed over crossing while bells and wigwags working.
Sept. 7.....	9.25 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 85-V-44....	Automobile passed over crossing while bells and wigwags working.

CANADIAN PACIFIC RAILWAY (EASTERN LINES)—*Concluded*ALGOMA DISTRICT—*Concluded*

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
Sept. 8.....	7.10 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 34-W-20....	Automobile passed over crossing while bells and wigwags working.
Sept. 9.....	10.30 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 1-V-160....	Automobile passed over crossing while bells and wigwags working.
Sept. 13.....	8.45 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 13-W-40....	Automobile passed over crossing while bells and wigwags working.
Sept. 14.....	9.55 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 31-W-28....	Automobile passed over crossing while bells and wigwags working.
Sept. 22.....	10.45 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 28-W-59....	Automobile passed over crossing while bells and wigwags working.
Sept. 23.....	1.30 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 25-X-37....	Automobile passed over crossing while bells and wigwags working.
Sept. 25.....	11.30 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 28-W-65....	Automobile passed over crossing while bells and wigwags working.
Sept. 27.....	3.20 p.m....	Golf St. crossing, North Bay, Ont.	Ont. 28-W-77....	Automobile passed over crossing while bells and wigwags working.
Sept. 30.....	6.35 a.m....	Golf St. crossing, North Bay, Ont.	Ont. 6-E-194....	Automobile passed over crossing while bells and wigwags working.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)

MANITOBA DISTRICT

May 23.....	First St., Souris, Man....	17-027	After watchman lowered south gate and before he got north gate down, truck got inside north gate; driver reversed truck and backed up against north gate, breaking off half of same.
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SASKATCHEWAN DISTRICT

Regina Division

July 3.....	7.55 K....	Winnipeg St., Regina, Sask.	4592.....	Vehicle moved over crossing when bell was ringing and train approaching.
July 4.....	7.55 K....	" "	CV-1189.....	" "
July 5.....	7.55 K....	" "	T-1221.....	" "
			5469.....	" "
			T-23.....	" "
July 6.....	7.55 K....	" "	52-005.....	" "
July 7.....	7.55 K....	" "	E-118.....	" "
July 8.....	7.55 K....	" "	6-767.....	" "
			14-008.....	" "
			6-180.....	" "
			11-244.....	" "
			CV-189.....	" "
July 11.....	7.55 K....	" "	4-606.....	" "
			6-342.....	" "
			52-365.....	" "
			CV-123.....	" "
July 14.....	7.55 K....	" "	CV-554.....	" "
July 15.....	7.55 K....	" "	12-253.....	" "

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Continued

Regina Division—Continued

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
July 17.....	7.55 K.....	Winnipeg St., Regina, Sask.	3-832..... 4-592.....	Vehicle moved over crossing when bell was ringing and train approaching.
July 19.....	7.55 K.....	" "	CV-130..... CV-659..... T-320..... C-110.....	" " " " " " " "
July 20.....	7.55 K. ...	" "	5-357..... 388..... 30521.....	" " " " " "
April 3.....	10.50 K.....	" "	42-305..... 5-552..... 5-552.....	" " " " " "
April 11.....	7.56 K.....	" "	5-687.....	" "
April 17.....	7.53 K.....	" "	T-660..... 4-314..... Street Car No. 17.	" " " " " "
April 20.....	7.58 K.....	" "	T-717..... 5-695..... Street Car No. 30.	" " " " " "
April 26.....	7.50 K.....	" "	T-718..... 6-659..... 71.....	" " " " " "
April 29.....	7.54 K.....	" "	5-367..... 4-526.....	" " " "
May 3.....	7.54 K.....	" "	5-695..... T-1248.....	" " " "
May 5.....	7.50 K.....	" "	71..... 6-590..... 5-150.....	" " " " " "
May 27.....	7.55 K.....	" "	T-1120..... 51-611..... 8-893.....	" " " " " "
June 3.....	7.55 K.....	" "	5-480..... 3-452..... T-182.....	" " " " " "
June 1.....	7.55 K.....	" "	T-276..... T-1148..... C-144.....	" " " " " "
June 10.....	7.55 K.....	" "	5-324..... 52-766..... E-291.....	" " " " " "
June 12.....	7.55 K. ...	" "	C-1237..... T-510..... T-1135.....	" " " " " "
June 14.....	7.55 K.....	" "	CV-838..... 5-005..... 57-407.....	" " " " " "
June 15.....	7.55 K.....	" "	56-172..... 56-172..... 55-493.....	" " " " " "
June 17.....	7.55 K. ...	" "	42-914..... T-320..... 3-619.....	" " " " " "
June 19.....	7.55 K.....	" "	4-092..... PR-218..... E-27.....	" " " " " "
June 20.....	7.55 K.....	" "	51-351..... L-21..... 6-590.....	" " " " " "
July 22.....	7.55 K.....	" "	5-093..... 57-763..... 4-210.....	" " " " " "
July 24.....	7.55 K.....	" "	51-185..... 5-093..... 4-147.....	" " " " " "
July 26.....	7.55 K.....	" "		" "
July 27.....	7.55 K.....	" "		" "

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Continued

Regina Division—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
July 27.....	7.55 K.....	Winnipeg St., Regina, Sask.	E-245.....	Vehicle moved over crossing when bell was ringing and train approaching.
July 29.....	7.55 K.....	" "	CV-593.....	" "
Aug. 1.....	7.55 K.....	" "	E-591.....	" "
Aug. 4.....	7.55 K.....	" "	52-426.....	" "
			27-906.....	" "
			3-491.....	" "
			T-256.....	" "
			A-13.....	" "
			T-96.....	" "
Aug. 7.....	7.55 K.....	" "	53-726.....	" "
			T-2850.....	" "
			E-161.....	" "
			T-96.....	" "
Aug. 8.....	7.55 K.....	" "	1-085.....	" "
			8-932.....	" "
			T-1139.....	" "
Aug. 10.....	7.55 K.....	" "	CV-210.....	" "
			1-024.....	" "
			7-490.....	" "
Aug. 11.....	7.55 K.....	" "	T-1241.....	" "
			54-520.....	" "
			T-1185.....	" "
Aug. 12.....	7.55 K.....	" "	4-211.....	" "
			51-209.....	" "
Aug. 15.....	7.55 K.....	" "	6-342.....	" "
			L-154.....	" "
Aug. 17.....	7.55 K.....	" "	T-632.....	" "
			T-541.....	" "
			C-123.....	" "
Aug. 18.....	7.55 K.....	" "	403.....	" "
			51-351.....	" "
Aug. 20.....	7.55 K.....	" "	5-005.....	" "
			51-610.....	" "
			T-197.....	" "
Aug. 21.....	7.55 K.....	" "	3-023.....	" "
			C-67.....	" "
			6-470.....	" "
Aug. 25.....	7.55 K.....	" "	T-632.....	" "
Aug. 27.....	7.55 K.....	" "	50-076.....	" "
Aug. 29.....	7.55 K.....	" "	88-312.....	" "
Aug. 30.....	7.55 K.....	" "	T-320.....	" "
			T-260.....	" "
Sept. 20.....	10.50 K.....	" "	T-320.....	" "
Sept. 25.....	7.55 K.....	" "	T-1133.....	" "
			53-003.....	" "
			4-210.....	" "
			4-208.....	" "
			1-149.....	" "
Sept. 30.....	7.52 K.....	" "	118.....	" "
			T-356.....	" "
			T-227.....	" "
			6-772.....	" "
			54-795.....	" "
Sept. 22.....	8.10 K.....	Elphinstone St., Regina, Sask.	5-743.....	" "
June 23.....	7.55 K.....	Winnipeg St., Regina, Sask.	55-334.....	" "
			6-960.....	" "
			P.R.-377.....	" "
June 24.....	7.55 K.....	" "	6-590.....	" "
			52-697.....	" "
June 26.....	7.55 K.....	" "	55-005.....	" "
			5-221.....	" "
			T-24.....	" "
			T-657.....	" "
June 27.....	7.55 K.....	" "	4-089.....	" "
			54-401.....	" "
			T-243.....	" "

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Continued

Regina Division—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
June 28.....	7.55 K.....	Winnipeg St., Regina, Sask.	T-512.....	Vehicle moved over crossing when bell was ringing and train approaching.
		" "	L-10.....	" "
		" "	208.....	" "
		" "	T-1217.....	" "
June 29.....	7.55 K.....	" "	118.....	" "
June 30.....	7.55 K.....	" "	L-110.....	" "
		" "	CV-108.....	" "
May 22.....	7.25 K.....	Elphinstone St., Regina, Sask.	4-763.....	" "

Saskatoon Division

April 4.....	16.50 K.....	Broadway, Yorkton, Sask.	23-118.....	Disregarded signal; crossed tracks just ahead of engine.
April 5.....	18.15 K.....	" "	D-339.....	" "
April 8.....	16.05 K.....	" "	23-196.....	" "
April 8.....	16.55 K.....	" "	23-155.....	" "
April 13.....	16.35 K.....	" "	23-347.....	" "
April 14.....	17.00 K.....	" "	23-343.....	" "
April 18.....	16.53 K.....	" "	23-042.....	" "
April 26.....	19.40 K.....	" "	23-961.....	" "
May 3.....	19.30 K.....	" "	32-197.....	" "
May 3.....	16.05 K.....	" "	45-455.....	" "
May 4.....	15.15 K.....	" "	22-952.....	" "
May 5.....	15.15 K.....	" "	33-122.....	" "
May 8.....	18.35 K.....	" "	23-176.....	" "
May 9.....	17.15 K.....	" "	23-255.....	" "
May 9.....	17.18 K.....	" "	24-518.....	" "
May 10.....	15.18 K.....	" "	23-033.....	" "
May 10.....	18.15 K.....	" "	CV-504.....	Signal up; passed in front of engine.
May 12.....	16.55 K.....	" "	23-362.....	" "
May 20.....	19.20 K.....	" "	44-595.....	" "
May 20.....	19.34 K.....	" "	CV-589.....	" "
May 23.....	15.50 K.....	" "	T-640.....	" "
May 25.....	17.30 K.....	" "	56-218.....	" "
May 26.....	15.25 K.....	" "	29-391.....	" "
May 26.....	16.15 K.....	" "	22-944.....	" "
May 27.....	16.15 K.....	" "	24-262.....	" "
May 27.....	16.25 K.....	" "	23-234.....	Lady driver killed—car engine on track observing stop signal, engine had to stop to avoid striking her.
May 28.....	15.27 K.....	" "	75-104.....	Signal up; crossed in front of engine.
June 1.....	14.08 K.....	" "	24-019.....	" "
June 2.....	15.35 K.....	" "	23-391.....	" "
June 4.....	16.12 K.....	" "	23-968.....	" "
June 6.....	15.48 K.....	" "	24-057.....	" "
June 6.....	16.05 K.....	" "	T76-Man.....	" "
June 6.....	19.40 K.....	" "	23-424.....	" "
June 14.....	16.05 K.....	" "	72-161.....	" "
June 15.....	14.17 K.....	" "	23-007.....	" "
June 17.....	15.50 K.....	" "	23-847.....	Against stop signal; drove across very close in front of engine.
June 20.....	13.20 K.....	" "	42-767.....	" "
June 20.....	16.00 K.....	" "	52-405.....	" "
June 22.....	14.50 K.....	" "	24-470.....	" "
June 22.....	16.10 K.....	" "	39-403.....	" "
June 23.....	19.40 K.....	" "	5-734.....	" "
June 27.....	16.25 K.....	" "	T-149.....	" "
June 27.....	16.30 K.....	" "	23-188.....	" "
April 28.....	19.22 K.....	Avenue A, Saskatoon, Sask.	10-378.....	Subsequently charged under City by-law and fined \$2 and costs.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—Continued

SASKATCHEWAN DISTRICT—Concluded

Saskatoon Division—Concluded

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
May 13.....	21.04 K.....	" "	7268.....	Red lamp displayed for yard engine placing coaches at platform, but auto crossed over.
June 14.....	15.10 K.....	" "	8735.....	Stop signal displayed; car came from 25th St. and crossed over ahead of train.
July 4.....	16.30 K.....	Broadway, Yorkton, Sask.	67-218.....	Regardless of stop signal passed over in front of engine.
July 14.....	14.20 K.....	" "	23-312.....	" "
July 18.....	16.00 K.....	" "	23-762.....	" "
Aug. 12.....	18.20 K.....	" "	23-563.....	" "
Aug. 19.....	16.00 K.....	" "	A-41.....	" "
Aug. 21.....	15.00 K.....	" "	22-961.....	" "
Aug. 21.....	16.05 K.....	" "	E-1-074.....	" "
Aug. 30.....	15.10 K.....	" "	23-345.....	" "
Sept. 1.....	16.10 K.....	" "	25-130.....	" "
Sept. 2.....	18.05 K.....	" "	23-961.....	" "
Sept. 2.....	19.40 K.....	" "	15-010.....	" "
Sept. 6.....	14.40 K.....	" "	3-313.....	" "
Sept. 8.....	12.40 K.....	" "	22-129.....	" "
Sept. 9.....	15.10 K.....	" "	23-244.....	" "
Sept. 10.....	18.30 K.....	" "	24-936.....	" "
Sept. 11.....	16.25 K.....	" "	34-167.....	" "
Sept. 11.....	20.25 K.....	" "	Man. 16-737.....	" "
Sept. 12.....	18.22 K.....	" "	24-215.....	" "
Sept. 12.....	20.25 K.....	" "	84-123.....	Came up fast and stopped on main line in front of pushed cars.
Sept. 13.....	16.05 K.....	" "	51-700.....	Regardless of stop signal crossed over in front of engine.
Sept. 13.....	18.33 K.....	" "	33-838.....	" "
Sept. 18.....	15.22 K.....	" "	23-236.....	" "
Sept. 18.....	18.45 K.....	" "	23-616.....	" "
Sept. 18.....	18.52 K.....	" "	25-981.....	" "
Sept. 18.....	19.43 K.....	" "	25-919.....	" "
Sept. 19.....	19.16 K.....	" "	23-118.....	" "
Sept. 19.....	19.20 K.....	" "	23-464.....	" "
Sept. 20.....	12.37 K.....	" "	24-118.....	" "
Sept. 20.....	12.57 K.....	" "	23-824.....	" "
Sept. 21.....	19.10 K.....	" "	24-801.....	" "
Sept. 21.....	19.45 K.....	" "	142.....	" "
Sept. 22.....	18.00 K.....	" "	23-432.....	" "
Sept. 22.....	17.00 K.....	" "	63-989.....	" "
Sept. 22.....	18.00 K.....	" "	23-885.....	" "
Sept. 22.....	10.30 K.....	" "	23-454.....	" "
Sept. 24.....	20.20 K.....	" "	DR-606.....	" "
Sept. 24.....	16.00 K.....	" "	85-413.....	" "
Sept. 24.....	11.32 K.....	" "	23-311.....	" "
Sept. 24.....	13.45 K.....	" "	23-040.....	" "
Sept. 24.....	14.15 K.....	" "	25-182.....	" "
Sept. 25.....	11.23 K.....	" "	23-267.....	" "
Sept. 26.....	12.13 K.....	" "	25-045.....	" "
Sept. 29.....	6.35 K.....	" "	T-134.....	Came up on track in front of engine—stop signal displayed.
Sept. 29.....	16.20 K.....	" "	23-513.....	Regardless of stop signal crossed over in front of engine.
Sept. 30.....	21.15 K.....	" "	39-406.....	" "
Sept. 16.....	20.00.....	Avenue A, Saskatoon, Sask.	73-511.....	Although stop signal light displayed, crossed over in front of yard engine missing same by ten feet.

CANADIAN PACIFIC RAILWAY (WESTERN LINES)—*Concluded*

ALBERTA DISTRICT

Date	Time	Crossing	Licence No. of Auto	Dangerous Practice
1939				
July 21.....	20.30 K.....	Second St., Medicine Hat, Alta.	19-559.....	Car ran into south gate while watchman placing lantern.
Sept. 11.....	8.55 K.....	" " "	C-5-744.....	Truck ran into south gate.
July 6.....	16.40.....	4th St. West, Calgary, Alta.	G-5512.....	Truck driven into arm of gate.
Sept. 11.....	14.40 K.....	" " "	6-314.....	Auto driven into arm of gate.

STATEMENT OF MISHAPS AT PUBLIC AND PRIVATE CROSSINGS WHERE NO
PERSONAL INJURY INVOLVED FROM JANUARY 1 TO JUNE 30, 1939

MANITOBA DISTRICT

Division	Date	Location	Particulars
WINNIPEG TERMINALS	Feb. 10...	"L" Yard Lead, St. Matthews Ave., Winnipeg, Man.	When proceeding north on "L" yard lead at about six miles per hour with five cars, struck Chevrolet sedan. Auto travelling west on St. Matthews Ave., and engine struck same about centre of roadway. Bell was ringing with a good view from both directions.
WINNIPEG TERMINALS	June 11...	Logan Ave. crossing, Winnipeg.	When engine backing across Logan Ave. to switch Burns & Co. plant, tender was struck by an auto travelling west on Logan Avenue.
PORTAGE.....	Jan. 12...	College Ave., M.P. 1, Winnipeg Beach Subd.	When switcher extra South approaching College Avenue public crossing, a Plymouth Sedan, under Manitoba licence 1-502, skidded too close to track and was struck by front buffer beam of engine.
PORTAGE.....	Mar. 16...	Saskatchewan Ave., M.P. 1-13, Glenboro Subd.	When train travelling at a speed of about 15 m.p.h. struck trailer attached to truck, slightly damaging same. Wheels skidded and right front step bent.
REGINA.....	May 23...	No. 18 Highway, M. 24, Neptune Subd.	Road grader struck and slightly damaged by train. Driver failed to see approaching train or hear statutory signals which were given.
SASKATOON.....	Feb. 2...	Avenue 1, Saskatoon, Sask.	Train passing over public crossing when Plymouth sedan struck rear step of first car behind engine. Failure of driver to stop for crossing in time and when brakes applied car skidded on icy road.
SASKATOON.....	Jan. 25...	M.O. and 2-2, Battleford Subd.	Train running about 15 m.p.h. struck Chevrolet truck. Driver drove car over track, then stalled, due to snow on road, with rear right-hand corner of truck foul, which was struck by train.

ALBERTA DISTRICT

LETHBRIDGE.....	Jan. 25...	Mile 81-23, Macleod Subd.	Train struck light truck, Alberta licence 85-690.
LETHBRIDGE.....	June 15...	Mile 50-84, Aldersyde Subd.	Track motor car operated by section foreman and first man struck Ford V8 coupe.
CALGARY.....	Mar. 18...	8th Street E., Calgary, Alta.	When engine backing up light from Alyth roundhouse to Calgary station for train No. 4 an auto ran into left side of tender.
CALGARY.....	June 11...	Murray Ave., Innisfail.....	While train passing at speed of 35 m.p.h. Chevrolet sedan ran into left front corner of engine.
EDMONTON.....	Jan. 24...	106th Street, Edmonton, Alta.	When equipment train backing up to South Edmonton, moving about 8 m.p.h., a De Soto coupe skidded into front end of leading coach.
EDMONTON.....	Feb. 9...	Mileage 94-7, Wetaskiwin Subd.	When train stopped at east switch to head into Wetaskiwin yard and standing on crossing a Ford truck ran into side of train.
EDMONTON.....	May 25...	Mileage 25-3, Wetaskiwin Subd.	While train running 20 to 25 m.p.h. over highway crossing, Essex sedan ran into side of engine.

**STATEMENT OF MISHAPS AT PUBLIC AND PRIVATE CROSSINGS WHERE NO
PERSONAL INJURY INVOLVED FROM JANUARY 1 TO JUNE 30, 1939—Concluded**

BRITISH COLUMBIA DISTRICT

Division	Date	Location	Particulars
VANCOUVER.....	Feb. 29...	Mileage 127.7.....	Train struck one of three small trailers hauled by an International Harvester tractor, B.C.-199, owned by American Can Company.
COQUITLAM.....	Feb. 11...	Shaughnessy St.....	Auto bus B.C. C-4108 struck pilot of engine.
VICTORIA.....	Mar. 13...	Lampson St., Mileage 1.76..	Extra South collided with Essex coupe auto which was travelling fast down grade to track and was pushed about thirty feet along track.
LAKE COWICHAN.....	Mar. 14...	Alder St., Mile 17.7.....	Extra West collided with Chevrolet sedan, which was pushed about 40 feet along track. Interviewed driver, who admitted his responsibility and that he had been looking in opposite direction and did not see train.
VICTORIA.....	April 23...	Island Highway, Mile 39.7..	When Extra North passing over crossing a light delivery truck ran into engine. Driver admitted he failed to see train.
CASCADE.....	June 30...	Mileage 96.1, Whonnock.....	Train struck auto truck B.C. 17-965.

SUMMARY OF DANGEROUS PRACTICES

	Number	Per cent
Approached crossing in careless manner and ran into gates.....	5	0.9
Approached crossing at excessive speed and ran into gates.....	5	0.9
Ignored stop signal.....	7	1.2
Ran into lowered crossing gates.....	40	7.3
Crossed in front of train when switching or backing over crossing.....	11	2.0
Disregarded stop signal and crossed in front of engine or train..	140	25.6
Approached crossing at excessive speed and crossed in front of engine or train.....	9	1.6
Drove on to crossing in front of train and was struck.....	29	5.3
Drove over crossing without making sure no train approaching.....	6	1.1
Caught between descending gates.....	4	0.7
Drove under gates.....	6	1.1
Stopped on crossing.....	3	0.6
Street car skidded into gates.....	1	0.2
Stopped foul of crossing.....	3	0.6
Ran into side of train.....	21	3.8
Bicycle crossed when gates down.....	1	0.2
Struck by train.....	3	0.6
Bus ran into gates.....	2	0.4
Stalled on crossing.....	3	0.6
Bus ran into side of engine.....	2	0.4
Pedestrian struck by train.....	3	0.6
Drove over crossing while bells and wigwags working.....	236	43.2
Street car passed over crossing while bells and wigwags working.....	2	0.4
Horse-drawn vehicles struck by train.....	4	0.7
	546	100.0

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

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No. 21

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Application of Peace River Airways Limited for a licence to transport passengers and goods by aircraft between Peace River and/or McLennan, Alta., and Yellowknife, N.W.T., with intermediate calls at Keg River, Carcajou, Fort Vermilion, Upper Hay River and Lower Hay River.

File No. 42007.7

Application of Mackenzie Air Service Limited for a licence to transport passengers and goods by aircraft between Peace River, Alta., and Yellowknife, N.W.T., with intermediate calls at Keg River, Carcajou, Fort Vermilion, Red River and Fort Smith.

File No. 42007.14.3

JUDGMENT

STONEMAN, COMMISSIONER:

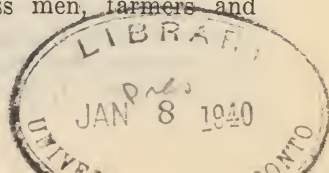
Under the provisions of the Transport Act, 1938, applications are made for licence to transport passengers and goods by aircraft, as follows:—

By Peace River Airways Limited, between Peace River and/or McLennan, Alta., and Yellowknife, N.W.T., with intermediate calls at Keg River, Carcajou, Fort Vermilion, Upper Hay River and Lower Hay River, upon a minimum scheduled frequency of two return trips weekly;

By Mackenzie Air Service Limited, between Peace River, Alta., and Yellowknife, N.W.T., with intermediate calls at Keg River, Carcajou, Fort Vermilion, Red River and Fort Smith, upon a minimum scheduled frequency of one return trip weekly.

In a submission from Peace River Airways Limited, dated August 25, it named Keg River, Upper Hay River and Lower Hay River as additional points of call to be included in its application, although these were not shown in the original application or previously referred to in any of the correspondence exchanged between the Board and that company. Again, in the original application, a weekly service was proposed, "with possible additional schedule," while, in the submission referred to, it proposed a schedule of two return trips weekly.

Peace River Airways Limited was incorporated April 14, 1938, under the Companies Act, Province of Alberta, and has been providing an air transport service between most of the points on the route covered by its application as amended. It is stated this company was formed as a local enterprise, and the money necessary for its operations supplied by business men, farmers and residents of the Peace River district.



Mackenzie Air Service Limited was incorporated July 18, 1932, under the laws of the Dominion of Canada, and has, since that time, been providing an air transport service in the country north of Edmonton, in British Columbia, the Peace River area in Alberta, the Yukon Territory, the Northwest Territories, the Mackenzie district, and on the Athabasca and Slave Rivers and Lake Athabasca.

Mackenzie Air Service Limited was not engaged in transport by air between the points or places named in its application within the period of 12 months preceding July 1, 1938, which is the date the Transport Act was assented to by Parliament. Peace River Airways Limited commenced its service between Peace River and Yellowknife about July 1, 1938. Licences could not, therefore, be granted under the provisions of Section 5 (2) of the Act, and these applications fall under the provisions of Section 5 (1), which directs that the Board shall determine whether public convenience and necessity require such transport. It is also provided therein that, in so determining, the Board may take into consideration, *inter alia*,—

- “(a) any objection to the application which may be made by any person or persons who are already providing transport facilities, whether by rail, water or air, on the routes or between the places which the applicant intends to serve on the ground that suitable facilities are, or, if the licence were issued, would be in excess of requirements, or on the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;
- (b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;
- (c) the general effect on other transport services and any public interest which may be affected by the issue of such licence;
- (d) the quality and permanence of the service to be offered by the applicant and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance.”

Other air carriers were advised of the applications, and given an opportunity of making any desired submissions concerning them. The applications were heard at a sittings of the Board in Edmonton, on September 21, 1939, in the presence of counsel and representatives of the applicants and Canadian Airways Limited.

From the standpoint of public convenience and necessity, the applicants' submissions may be summarized as follows:—

There is no rail communication between the points and places named in the applications. There is water communication only as far as Fort Vermilion, and then only in the summer months, and with infrequent schedules. The equipment now on this water route is not large nor very powerful, and there is no adequate passenger accommodation. In addition, the navigational difficulties of the Peace River, due to fast current, varying water levels, etc., decrease the efficiency and speed of any such service. The air transport service provides the farming area in the Peace River district with a market at Fort Smith and Yellowknife for fresh meat, poultry, eggs, milk, cream and vegetables, and is also availed of to transport fresh fish into this area which is caught in lakes around Fort Smith. It is stated the Peace River area contains a population of approximately 75,000 people, and a large number of them are potential travellers or traders into the Northwest Territories.

The United Air Transport Limited inaugurated an air transport service over the route now applied for by Mackenzie Air Service Limited on July 17, 1938, and continued it until March 2, 1939, when it arranged

for Mackenzie Air Service Limited to take over the operation, and the latter company has, since that date, given a regular scheduled weekly service. It is shown that, between July 17, 1938, and March 2, 1939, the United Air Transport Limited carried over this route 24,017 pounds of goods and 22,743 pounds of mail. Due to the destruction of records, the number of passengers carried during this period is not available. From March 2 to August 31, inclusive, 1939, Mackenzie Air Service Limited carried on the said route 260 passengers, 27,811 pounds of goods and 19,926 pounds of mail. Peace River Airways Limited have also conducted an air transport service between Peace River and Yellowknife and some of the other points named in its application since around July 1, 1938, and, from that date to July 15, 1939, carried 406 passengers and 38,063 pounds of goods. Canadian Airways Limited have made a few charter flights between two or three of the points covered by these applications.

Canadian Airways Limited opposed the applications. It holds an air transport licence over a route from Edmonton via McMurray to Aklavik, also from Edmonton via McMurray to Coppermine. In the former, Hay River is a licensed point, and, in the latter, Yellowknife. It asserted that the normal flow of traffic to Hay River and Yellowknife is through Edmonton via McMurray or Waterways. Mackenzie Air Service Limited holds licences over the same routes on which Hay River and Yellowknife are licensed points. Canadian Airways Limited contend that, for air traffic originating at Peace River for Yellowknife, the logical route is along the Peace River to Fort Chipewyan, which is a licensed point on the routes above referred to, from which it should be handled in conjunction with the present scheduled service between that point and Hay River and Yellowknife. It made application on August 30 to have Fort Vermilion, Keg River, Carcajou and Peace River added as licensed points on its Edmonton to Aklavik route, for which licence issued under the provisions of Section 5 (2) of the Act. It made only four trips in this area within the period of 12 months preceding July 1, 1938. On September 11, 1939, the Board advised Canadian Airways Limited that, after due consideration of the evidence of operation during the said period, it did not consider that satisfactory evidence of bona fide engagement in the business of transport by air between the points in question had been submitted and it was not prepared to accept the evidence offered as proof of public convenience and necessity. Its position, as contained in a submission dated September 5, 1939, is that there is no public convenience and necessity for a licence for air transport over the routes covered by these applications; that the transport could be effected by connection with the already licensed routes in the manner referred to above. Some evidence was given concerning its operations in this area some years ago, with which we are not here concerned.

The records hereinbefore given of the volume of traffic transported by aircraft between points covered by these applications are quite sufficient to enable the Board to determine that public convenience and necessity does require such transport. However, the question is whether there is sufficient business to enable a profitable operation by both applicants over the routes for which licences are sought.

Peace River Airways Limited, in a submission dated August 5, stated:—

"We cannot reasonably understand how any company can operate with competition at the present time over this route, there is undoubtedly sufficient business for one company of our size, but there is not sufficient for two companies, therefore, we must submit that if two licences are granted over our route, it must mean undue competition, which naturally will react unfavourably to both the operating company and the general public."

The position of Mackenzie Air Service Limited on this point is covered by questions by its counsel and replies of its President at the Edmonton sittings of the Board, as follows:—

“Q. From your experience, is there sufficient business to justify two companies on the route we apply for, or from Peace River to Vermilion?”

“A. No, I do not believe there is sufficient for two companies there.

We have not been making pay-trips out of most of our flights due to the fact that some of the transient business which was already there has gone elsewhere, and we feel there would be sufficient business for one company to enable that company to make pay-loads out of all these scheduled flights.

Q. If that company had combined it with another business?

A. Combined with an existing route.

The DEPUTY CHIEF: Q. With an existing route? Do you mean there is not sufficient traffic unless it were in the hands of one company only?

A. I believe there is enough for one company, but, to operate it alone without any additional business, would consequently add additional expense, which I do not believe would be economical.

Mr. BECKER: Q. Could it be operated as a route by itself, by a separate company, with suitable types of aircraft, soundly or economically?

A. It is doubtful if it could be operated by itself due to the fact that there would be so much expense in connection with running the company.

With a company such as Mackenzie Air Service already operating other routes in the area, then that portion of the overhead and everything else is spread over eight aircraft, which decreases the cost of operating the other route.

The DEPUTY CHIEF: Q. Do you mean to say that particular route has not enough business in order that it can be operated by itself?

A. It has sufficient business for one company if that company had other routes.

Q. Do you know that, as a matter of fact?

A. That is what I believe.

Q. Could you operate it at a profit or loss if you had not the air-mail contracts?

A. No, it could not be operated at a profit without the airmail contract.

Q. There would not be any profit for one company?

A. That is right.

In the case of Peace River Airways Limited, its operations for the period from June, 1938, to July 15, 1939, show a loss of \$6,292. If it had paid the insurance premium on the policy, a copy of which it submitted to the Board, which was \$3,543, its loss during the period would have been \$9,385. Mackenzie Air Service Limited furnished figures showing that its operations between Peace River and Fort Smith for the six-months period March 1 to August 31, 1939, resulted in a loss which it estimates to be \$7,181. We have not the information before us to show whether or not such figure should be doubled to reflect a year's operations.

We cannot express any concluded opinion with respect to the result of the operations if all the business were handled by one carrier. There are too many items requiring estimates to be made to enable any calculation that would be exact or approximately so. The evidence shows clearly that two carriers cannot operate between these points except at a heavy loss. It seems quite probable that one carrier would have a profitable operation.

Turning now to other matters which Section 5 (1) of the Act provides that the Board take into consideration:—

Such objections as were made under Section 5 (1) (a) have been already referred to herein.

Section 5 (1) (b) has reference to whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport. Applicants state the issuance of licence would provide a complementary service to what is already supplied, viz., to and from Peace River by railway and beyond Peace River by water. There were no objections filed under this heading from any source.

Section 5 (1) (c) refers to the general effect on other transport services and any public interest which may be affected by the issue of such licence. Under this heading, the applicants state:—

“The granting of the licence would create only a beneficial effect upon present rail service to Peace River; it would not decrease such service, but would add traffic, since the two are not competing. There would be no harmful effect upon the present water service since the water rates are comparatively low and shippers use this service wherever possible. On the other hand, the issue of licence would inevitably increase business for the water transport services by natural increase of the requirements in the area due to passengers and goods taken in by air. Public interest would be served by providing a speedy and regular air transport service which has already developed and created a substantial volume of air traffic and enabled the public to obtain a mail, passenger and goods service in this area as well as the movement of products produced therein, as earlier referred to herein.”

Section 5 (1) (d) relates to the quality and permanence of the service to be offered by the applicant, and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance.

The following comparative tabulation indicates the relative liquid position of the two companies; that of Mackenzie Air Service Limited being as at December 31, 1938, and Peace River Airways Limited as at July 15, 1939:—

	Current Assets	Current Liabilities	Ratio-Assets to Liabilities
Mackenzie	\$146,040	\$47,930	3.05
Peace River	11,258	26,925	0.42

It is generally conceded that current assets should exceed current liabilities by a ratio of 2 to 1 to indicate a healthy financial position. It will be observed that the position of Mackenzie Air Service Limited is satisfactory in this respect in that its current assets exceed its current liabilities in ratio of 3 to 1, whereas, in the case of the Peace River Airways Limited, its liabilities exceed its assets about $2\frac{1}{2}$ times. Neither company has any funded debt or preferred stock.

The following comparison of surplus account is indicative of the relative standing of the companies:—

	Mackenzie Dec. 31/38	Peace River July 15/39
Invested by owners	\$206,506	\$22,479
Excess of assets over liabilities	235,981	895
Surplus or deficit on investment	\$29,475	\$21,584 (<i>Deficit</i>)

In this comparison it must be remembered that, while Mackenzie Air Service Limited had an excess of \$98,110 current *assets* over current liabilities, Peace River Airways Limited had an excess of \$15,667 current *liabilities* over current assets. It should also be pointed out that the surplus account of Mackenzie Air Service Limited (\$29,475) is, after deducting an amount of \$17,989, shown on its balance sheet as “good will,” which is always a doubtful item. It is

important to note that the evidence shows that Peace River Airways Limited has practically exhausted its initial investment; further, had it paid for insurance protection, the premium for which was \$3,543, the net loss for the reported period of its operations would have been \$9,835, instead of \$6,292, and a corresponding addition of this unpaid premium to the liabilities would have increased the above deficit of \$21,584 to \$24,232, or \$1,753 more than the subscribed capital.

It would seem unnecessary to state that the failure to provide insurance protection is a factor to which the Act directs the Board's consideration. In connection with the matter of insurance, copy of the policy submitted by Peace River Airways Limited (premium on which was not paid, and policy cancelled) provided for the following liability limits:—

Public liability, \$5,000—\$10,000,
 Passenger liability, \$10,000—\$40,000,
 Property damage, \$1,000.

These compare as follows with Mackenzie Air Service Limited:

Public liability, \$10,000—\$20,000,
 Passenger liability, \$10,000—\$110,000,
 Property damage, \$5,000.

It seems clear from the foregoing that Peace River Airways Limited has disbursed its investment and the shareholders no longer possess any equity. There is evidence that Mackenzie Air Service Limited has a record of successful operation within its sphere of activity. The record leaves room for doubt as to the ability of Peace River Airways Limited to continue its operations even with an exclusive franchise. This company admits it requires additional capital of at least \$9,000 to purchase one Waco aircraft in order to meet the minimum requirements of the Civil Aviation Department, which has ruled that, of its present aircraft, only the Waco now operating is suitable for licensing under the Air Regulations, 1938. This additional expenditure is proposed to be financed by sale of stock to an extent of \$3,000, cash loan of \$2,000, and issuance of \$4,000 in stock to the vendor of the additional Waco aircraft. Assuming it is successful in its program as described, it is important to note that the company would still be devoid of working capital, and the burden of fixed charges would be increased. Therefore, unless it has some undisclosed source of working capital, all of this burden must be assumed from current earnings, and it is extremely doubtful if it could long continue under such conditions.

Mackenzie Air Service Limited lists nine aircraft on its application, all of which are approved by the Civil Aviation Department; consequently, it is in an immediate position to furnish necessary equipment for the traffic needs, and, in conjunction with its other services, is better placed to economically utilize such equipment.

Two companies are already licensed to carry traffic to and from Hay River, Providence, Resolution and Fort Smith, and all reasonable needs of Hay River would seem to be protected by such services.

Furthermore, unless Hay River was a named point in conjunction with Fort Vermilion-Peace River, no impediment would exist to any necessary charter service between these points. There is no evidence of necessity and convenience for an air service at any point (if any exists) along the northwest shores of Great Slave Lake. Neither is there evidence of necessity for an air service within the territory between Hay River and Fort Vermilion. Therefore, the only points principally involved are Yellowknife and Fort Vermilion. Mackenzie Air Service Limited holds a licence between Fort Vermilion and Fort Smith on its route from Edmonton to Aklavik, so that it already is a licensed operator for at least 50 per cent of the route between Peace River and Fort Smith. This licence does not cover movements between Fort Vermilion and Yellowknife, as such points have not been specifically named.

Based upon the foregoing and other evidence contained in the record, we are of the opinion that, of the two applicants, Mackenzie Air Service Limited would be able to offer a superior and more permanent service than Peace River Airways Limited.

We, therefore, find:

That public convenience and necessity requires an air transport service between the points named in the application of Mackenzie Air Service Limited; that there is no public convenience and necessity for two air carriers upon such route; that, having regard to all the considerations set out in Section 5(1) of the Transport Act, 1938, which the Board is required to take cognizance of in dealing with an application, a licence should be issued to Mackenzie Air Service Limited and the application of the Peace River Airways Limited refused.

OTTAWA, December 7, 1939.

The Deputy Chief Commissioner and Commissioner Stone concurred.

ORDER No. 58395

In the matter of the application of Peace River Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Peace River and/or McLennan, Alberta, and Yellowknife, Northwest Territories, with intermediate calls at Keg River, Carcajou, Fort Vermilion, Upper Hay River, and Lower Hay River.

File No. 42007.7

THURSDAY, the 14th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held in Edmonton, September 21, 1939, in the presence of Counsel for the Applicant, Mackenzie Air Service Limited, and Canadian Airways Limited, and what was alleged—

It is ordered that the application be, and it is hereby, dismissed.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58394

In the matter of the application of Mackenzie Air Service Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Peace River, Alberta, and Yellowknife, Northwest Territories, with intermediate calls at Keg River, Carcajou, Fort Vermilion, Red River, and Fort Smith, upon a minimum scheduled frequency of one return trip weekly.

File No. 42007.14.3

FRIDAY, the 15th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held in Edmonton, September 21, 1939, in the presence of Counsel for Applicant, Peace River Airways Limited, and Canadian Airways Limited, and what was alleged; and upon its appearing that the above-mentioned points and places have been named by the Governor in Council under Order in Council P.C. 1452, dated June 15, 1939, pursuant to the provisions of Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Board has determined that public convenience and necessity require such transport;

And whereas the Applicant has undertaken to provide a weekly service by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore it is ordered:

1. That Licence C.T.C. No. (A.T.) 63 be issued for the period of one year from the date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

Application of M & C Aviation Co. Ltd., for a licence to transport passengers and goods by aircraft between Prince Albert, Sask., and Flin Flon, Man., with intermediate calls at Nipawin, Saskatchewan Warehouse and Cumberland House.

File No. 42007.9.3

Application of Canadian Airways Limited for a licence to transport passengers and goods by aircraft between Prince Albert, Sask., and Flin Flon, Man., with intermediate calls at Nipawin and Cumberland House.

File No. 42007.4.24

JUDGMENT

GARCEAU, Deputy Chief Commissioner:

These applications fall under the provisions of Section 5 (1) of the Transport Act, 1938, and were heard at a sittings of the Board in Saskatoon on September 20, 1939, in the presence of counsel and representatives of the applicants.

The M & C Aviation Co. Ltd., stated that, from 1932 until the present time, it has provided charter and scheduled air transport services without interruption between points in northern Saskatchewan, including flying between Prince Albert and Flin Flon. It stated that various Saskatchewan Boards of Trade, etc., had represented that there would be a considerable volume of air transport if such were available between Prince Albert and Flin Flon; that the train service was slow, inconvenient and inadequate. This company finally offered to put such a service in effect, and it was commenced on June 27, 1939, on a scheduled frequency of twice weekly, and operated continuously since that time. It stated it undertook to explore the route and test it out by actual operation after no other company was willing to do so. The schedule is stated to have been arranged so as to enable passengers to make connection with the air service of Prairie Airways Limited between Prince Albert and Regina and Trans-Canada Air Lines beyond Regina.

At the Board's request, the company furnished a statement showing the flights made between Prince Albert and Flin Flon, and the passengers and goods carried on each trip, between June 27 and September 28. This showed only 43 passengers and 39 pounds of goods handled during a period of 14 weeks, making an average of approximately 3 passengers per week. In the first 7 weeks, 26 passengers were carried, and, in the last 7 weeks, only 17, so that the business was not an increasing one. During this period, the company made 48 flights between Prince Albert and Flin Flon, or 24 return trips. On 29 flights, there were no passengers offering or carried. The Board has not been furnished with a statement showing the revenue and expenses with respect to this particular service, but it is obvious that it has been a very unprofitable operation.

This appears to be one of those cases where there is considerable public agitation to have a service inaugurated, with an assurance that sufficient business will be offered to warrant the operation, but it does not materialize. We were told, for example, by the submission of the Regina Board of Trade, that the volume of business available for air transport justifies the service here under consideration. The fact is that the service was commenced, advertised and regularly operated; that the traffic offered did not justify the service, and that,

instead of increasing, it showed a falling off as the service continued. There were only 5 passengers carried between Prince Albert and Flin Flon between August 17 and September 28. As already stated, during the entire period, only 39 pounds of goods offered for air transport. However, when the matter was heard by the Board on September 20, the M & C Aviation Co. Ltd., stated it felt reasonably confident that this service could be operated at a profit within a reasonable time.

The position taken by Canadian Airways Limited appears somewhat anomalous. It opposed the application of the M & C Aviation Co. Ltd., and contended that public convenience and necessity does not warrant the establishment of a licensed air transport service between Prince Albert and Flin Flon, nor could such a service be operated without a heavy financial loss unless the requirements of the Post Office Department demand an airmail service and the compensation for conveying the mail was fixed at a rate which would cover almost the entire cost. At the same time, Canadian Airways Limited, by an application filed subsequent to that of the M & C Aviation Company Ltd., applied for a licence to transport passengers and goods between Prince Albert and Flin Flon. Counsel for Canadian Airways Limited set out that company's position as follows (page 1711):

"I would like to make our position perfectly clear in this respect. Canadian Airways exists by transporting passengers and goods. That is our business. We would like to see the whole country served by airplane service, if that were possible and certainly if the service into this territory could be justified, or if we thought it could be justified, we would have applied for a licence ourselves before now, or we would not have opposed this one, but we have been forced into this position—and my friend, Mr. Fraser, is very frank about it—there is talk of a mail contract in that district. Now, let that materialize, then if someone is granted a licence there is only one company can serve there, and the company which is granted the licence would be the only company that would have any chance of tendering for the mail contract, so unless the traffic into the district justifies a licence being granted at this time, our suggestion is that things be allowed to stand as they are for the present, see if there is enough business built up in there to warrant a licence, and if this mail contract comes along, all the companies interested will be able to tender on an even footing."

Under date of December 1, the M & C Aviation Company Limited wrote the Board advising that it has discontinued the service between Prince Albert and Flin Flon for the duration of the war, and it asks the Board to hold in abeyance until after the war further consideration of its application for a licence between these points.

These points and places have not been named by the Governor in Council under the provisions of Section 15 (1) (b) of the Transport Act, consequently Part III of the Act, relating to transport by air, is not at present applicable thereto, which permits an air carrier to make such flights between the points here in question as the traffic warrants.

Upon the record before us we shall dismiss these applications without prejudice to renewal thereof at some future time.

OTTAWA, December 8, 1939.

Commissioners Stoneman and Stone concurred.

ORDER No. 58410

In the matter of the application of the M & C Aviation Company Limited, under Section 13 of The Transport Act, 1938, for a licence to transport passengers and goods by aircraft between Prince Albert, Saskatchewan, and Flin Flon, Manitoba, with intermediate calls at Nipawin, Saskatchewan Warehouse, and Cumberland House.

File No. 42007.9.3

SATURDAY, the 16th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Saskatoon, Saskatchewan, on September 20, 1939, in the presence of Counsel for and representatives of the M & C Aviation Company Limited, Canadian Airways Limited, the Province of Saskatchewan, Regina Board of Trade, and City of Prince Albert, and what was alleged—

It is ordered that the application be, and it is hereby, dismissed.

HUGH WARDROPE,
Assistant Chief Commissioner.

 ORDER No. 58411

In the matter of the application of Canadian Airways Limited, under Section 13 of The Transport Act, 1938, for a licence to transport passengers and goods by aircraft between Prince Albert, Saskatchewan, and Flin Flon, Manitoba, with intermediate calls at Nipawin and Cumberland House.

File No. 42007.4.24

SATURDAY, the 16th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Saskatoon, Saskatchewan, on September 20, 1939, in the presence of Counsel for and representatives of Canadian Airways Limited, M & C Aviation Company Limited, the Province of Saskatchewan, Regina Board of Trade, and City of Prince Albert, and what was alleged—

It is ordered that the application be, and it is hereby, dismissed.

HUGH WARDROPE,
Assistant Chief Commissioner.

Application of Arrow Airways Limited for a licence to transport passengers and goods by aircraft between Winnipeg and Flin Flon, Man., with intermediate call at The Pas.

File No. 42007.6.5

Application of Wings Limited for a licence to transport passengers and goods by aircraft between Winnipeg and/or Lac du Bonnet and Flin Flon, Man., with intermediate calls at Dauphin, Winnipegosis, The Pas, Sherridon and Pukatawagan.

File No. 42007.19.2

Application of Canadian Airways Limited for a licence to transport passengers and goods by aircraft between Winnipeg and Flin Flon, Man., with intermediate calls at Dauphin and The Pas.

File No. 42007.4.22

JUDGMENT

GARCEAU, DEPUTY CHIEF COMMISSIONER:

These applications fall under the provisions of Section 5 (1) of The Transport Act, 1938, which directs that the Board shall determine whether public convenience and necessity require such transport. It is also provided therein that, in so determining, the Board may take into consideration, *inter alia*,—

- (a) any objection to the application which may be made by any person or persons who are already providing transport facilities, whether by rail, water or air, on the routes or between the places which the applicant intends to serve on the ground that suitable facilities are or, if the licence were issued, would be in excess of requirements, or on the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;
- (b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;
- (c) the general effect on other transport services and any public interest which may be affected by the issue of such licence;
- (d) the quality and permanence of the service to be offered by the applicant and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance.

The applications were heard at a sittings of the Board in Winnipeg on October 10, 1939, in the presence of counsel and representatives of the applicants as well as the representatives of various trade bodies and the Province of Manitoba.

Arrow Airways Limited proposed a minimum scheduled frequency of three round trips per week. It set out that it had been continuously operating a commercial aircraft service in the district north of The Pas since 1932. It holds Air Transport Licences, issued under the provisions of Section 5 (2) of The Transport Act, as follows:—

Licence

No.	Between
11	The Pas, Man.; Sturgeon Landing, Cumberland House, Sask.
12	Flin Flon, Cranberry Portage, Gurney Gold, Elbow Lake, Sherridon, Pukatawagan, Man.
29	The Pas, Cormorant Lake, Reed Lake, Herb Lake, North Star Lake, Elbow Lake, Sherridon, Gurney Gold (Brune Lake), Cranberry Portage, Flin Flon, Man.
30	Flin Flon, Man.; Pelican Narrows and Island Falls, Sask.
53	Flin Flon, Man.; Island Falls, South End, Rabbit River, Sask.; Brochet, Man.

It stated it had established itself in this district and built up traffic with the object in view of later connecting up with Trans-Canada Air Lines at Winnipeg. Reference was made to a letter it wrote to the Controller of Civil Aviation as far back as November 16, 1936, stating it had been giving an intermittent service between The Pas and Winnipeg, and, when certain additional facilities were provided, proposed to extend its scheduled service from The Pas direct to Winnipeg. On April 19, 1937, it made application to the Controller of Civil Aviation for a licence for a proposed air transport service between Flin Flon and Winnipeg. On February 10, 1939, the Controller of Civil Aviation forwarded a copy of this application to the Board for consideration thereof under the provisions of The Transport Act. Counsel for Arrow Airways Limited contended that, by reason of the prior pioneering service on its part in the district and over and upon the proposed route, it should be considered as having some priority over the other applicants. It stated that, between the area covered by its present operations and Winnipeg, it had made only intermittent flights and has been endeavouring to establish a regular service. It stated that necessity could not be proven mathematically, but the strong public demand indicates such necessity. It appears to have made flights between Flin Flon or The Pas and Winnipeg as traffic offered, but, according to a statement which it filed, such movement consisted of only 32 passengers from July 2, 1934, to September 19, 1938. In a letter to the Department of Transport, dated May 7, 1937, Arrow Airways Limited stated:—

“ With regard to the Winnipeg-Flin Flon schedule, it will be necessary for us to make an investment of approximately \$25,000 in equipment and ground facilities before we can inaugurate this service, and money will have to be spent in advertising. The service will have to be started and operated at a loss at first while the volume is being built up. If we are correct in our estimate of traffic, a further investment in aircraft will be needed within a few months, but if we are wrong we shall be forced to close out the experiment and take our loss.”

Counsel for Arrow Airways Limited stated that, before an aircraft operator could hope to establish a scheduled service, he must know that he is not exposed to the raids of the casual operator; that the granting of a licence under The Transport Act gives an opportunity to the operator to test his opinion that a route may be operated successfully under protection, and the only provision for such protection is by a licence under the Act. Arrow Airways Limited estimated that an air service between Winnipeg and Flin Flon would have to operate only three times per week either way and carry a minimum of five passengers daily to cover cost of operation.

Counsel for Wings Limited stated it has operated in the Flin Flon area since August, 1937, and is well established in that district. It set out that, in December, 1937, representations were made to it by individuals and organizations at Winnipeg and Flin Flon as well as intermediate points that there was need for an air service between the points named, and, on the strength of these representations, the company made an effort to put a scheduled air transport service into effect. Inauguration of the service was advertised in the *Flin Flon Miner*. The service was advertised in *Gold*, described as the magazine of Canada's north, in its issues for the last six months of the year 1938. Further, in an endeavour to stimulate traffic, invitations were extended to certain individuals to travel this route complimentary, and a considerable number was so carried. The company states that the experience gained from its endeavours to establish a regular service indicates that, despite the desire of the public for an air service over the route in question, the results were disappointing, and it was found that the cost of air transport on a non-subsidized basis was prohibitive. It further stated that, notwithstanding the speedier and more direct

service by air transport, competition given by rail and road carriers makes it difficult to establish an air operation unless air rates can be lowered to a level competitive with rail and road tariffs. It stated:—

“While it would appear, from the representations made to this company, that there is demand for an air service between the points concerned, it seems that such present and future public convenience and necessity as would be required to justify the granting of a licence cannot presently be shown.”

Statements filed by Wings Limited show 8 revenue passengers carried between points covered by its application during the period September 1, 1937, to March 9, 1938, and 12 passengers from July 1, 1938, to October 1, 1939. Arrow Airways Limited pointed out, with respect to the application of Wings Limited, that, between points north of The Pas, the operations of Wings Limited would duplicate the service given by Arrow Airways Limited, under the Board's Licence No. 29, and the volume of traffic on this route does not justify a competitive service.

Counsel for Canadian Airways Limited stated that, as between that company and Arrow Airways Limited, the latter should have the prior right to a licence. It stated that, previous to 1932, Canadian Airways Limited provided an air transport service in the district north of The Pas, but, in that year, made an agreement with Arrow Airways Limited to withdraw on the understanding that Arrow Airways Limited would provide satisfactory service to the established customers of Canadian Airways Limited in this district, the volume of traffic not being sufficient to warrant operations by two companies. If, however, the application of Arrow Airways Limited failed, Canadian Airways Limited desired that its application be given consideration. Counsel for Canadian Airways Limited pointed out that railway service in this district was established under a guarantee by the Manitoba Government, and the air service sought would compete against the Canadian National Railways. He stated Canadian Airways Limited, based on 10 years' experience, was of the opinion that present business and public convenience do not warrant the granting of a licence over this route. He further stated:—

“We realize that unless some sort of financial aid is given to it,— I do not know how, and I am not going to suggest it; mail contracts, perhaps, and a bonus is sometimes given.

I was interested in hearing the submissions of the representative of the Province of Manitoba. I wondered if the Province was going to suggest that it would do with the air service what it did with the rail service and give some kind of bonus for a certain number of years to put it in. Of course our company, as well as everyone else living in Manitoba, in the city of Winnipeg, would like to have regular air service from Winnipeg to the north. Who would not like to have it? We would put up both hands for that, but we do think, and everyone realizes the difficulties which come in operating a service of that kind. It is not just an established service which will do well.”

The Canadian National Railways opposed these applications, alleging that there is no present justification for the proposed service between Winnipeg and Flin Flon. It stated there is a 5-days-a-week rail service between Winnipeg and Flin Flon, as well as a highway motor service between Winnipeg and The Pas; that the present applications can only be considered a move to establish priority; in that sense, the application of itself should be sufficient, and there is no warrant for going further and permitting service to be established.

In connection with the applications of M & C Aviation Company Limited and Canadian Airways Limited for a licence to transport passengers and goods between Prince Albert and Flin Flon, heard at Saskatoon September 20 and Regina October 5, 1939, there was reference made to an alleged advantage of

the route between Prince Albert and Flin Flon as compared with Winnipeg to Flin Flon. It was represented that there is a considerable volume of business conducted between various centres in Saskatchewan and the Flin Flon district, and that the Flin Flon mining property is largely located in the Province of Saskatchewan, and the operation of it should result in some direct benefits to the people of Saskatchewan.

At the Winnipeg hearing on the applications for the Winnipeg-Flin Flon service, it was represented by Mr. Hudson, appearing for the Province of Manitoba, that the Provincial Government felt that this is a Manitoba matter. The proposed air transport would serve the Manitoba population; the route is within Manitoba; and the business of the people throughout the route is almost wholly with Winnipeg and points east or south thereof. Mr. Hudson stated:—

“The service Flin Flon-Prince Albert, and around by Regina to arrive at Winnipeg, or any place south or east of it, would be adding considerably to the expense, time of travel, cost and outlay, and for that reason, not only does the Province and the City of Winnipeg, but these people who are seeking the service at the other end, feel that the Winnipeg-Flin Flon route is the only satisfactory one to them.

Another point in regard to the Prince Albert-Flin Flon service is that if established it might become, like it used to be with the old Railway Charters granted to someone in a certain field, that when the real railway came along it was always an embarrassment, and presented a difficulty in establishing the new route. It is felt if that is established it is going to be a stumbling block to the establishment of the Winnipeg-Flin Flon route which ultimately must necessarily come, and for that reason nothing should be allowed which would have that effect.

I am going to submit to the Board that if after hearing the various applications pro and con now before you, you are of the opinion that the Prince Albert-Flin Flon licence should still be granted, I am going to make the request that it should be granted as an interim licence only, subject to revision, and revocation, when and if the Winnipeg applications, if they are not now granted, would be in a position to put forward their case. In other words, they should not be prejudiced by the granting of any other service into that large northern area of Manitoba.”

He then submitted that, if the Prince Albert-Flin Flon licence was not granted, “the whole application should be left over, in view of the situation created by the war, for further consideration at some future time.” Mr. Hudson’s submissions were concurred in and endorsed by representatives of the Manitoba Chamber of Mines, the Industrial Development Board of Manitoba, the Winnipeg Board of Trade, the Manitoba branch of the Canadian Manufacturers’ Association, the Associated Boards of Trade of Manitoba, the Winnipeg Real Estate Board, and the Mayor of the Town of Dauphin. The Pas Board of Trade and the Town Council of The Pas were represented by Mr. Ross. There are also written submissions on file from the Village of Winnipegosis, Flin Flon Board of Trade, Municipal District of Flin Flon, Sherritt Gordon Mines Limited, Prince Albert Board of Trade, and the Sherridon Development Company Limited.

The applications for a licence under The Transport Act to transport goods and passengers between Prince Albert and Flin Flon have been dismissed pursuant to the Board’s Judgment dated December 8.

Upon what is before the Board on this record, it is not shown that present public convenience and necessity require the transport applied for, and the applications are refused.

OTTAWA, December 13, 1939.

Commissioners Stoneman and Stone concurred.

ORDER No. 58396

In the matter of the application of Arrow Airways Limited, under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg and Flin Flon, Manitoba, with intermediate call at The Pas.

File No. 42007.6.5

FRIDAY, the 15th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Winnipeg, October 10, 1939, in the presence of Counsel for Arrow Airways Limited, Canadian Airways Limited, Wings Limited, The Pas Board of Trade, Canadian National Railways, Province of Manitoba, Manitoba Chamber of Mines, Industrial Development Board of Manitoba, Municipal District of Flin Flon, Sherridon Development Company, Limited, Winnipeg Board of Trade, Canadian Manufacturers' Association (Manitoba Division), Associated Boards of Trade of Manitoba, Winnipeg Real Estate Board, Brandon Board of Trade, and Town of Dauphin, and what was alleged—

It is ordered that the application be, and it is hereby, dismissed.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58397

In the matter of the application of Canadian Airways Limited, under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg and Flin Flon, Manitoba, with intermediate calls at Dauphin and The Pas.

File No. 42007.4.22

FRIDAY, the 15th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
 F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*
 G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Winnipeg, October 10, 1939, in the presence of Counsel for Canadian Airways Limited, Wings Limited, Arrow Airways Limited, The Pas Board of Trade, Canadian National Railways, Province of Manitoba, Manitoba Chamber of Mines, Industrial Development Board of Manitoba, Municipal District of Flin Flon, Sherridon Development Company, Limited, Winnipeg Board of Trade, Canadian Manufacturers' Association (Manitoba Division), Associated Boards of Trade of Manitoba, Winnipeg Real Estate Board, Brandon Board of Trade, and Town of Dauphin, and what was alleged—

It is ordered that the application be, and it is hereby, dismissed.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58398

In the matter of the application of Wings Limited, under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Winnipeg and/or Lac du Bonnet and Flin Flon, Manitoba, with intermediate calls at Dauphin, Winnipegosis, The Pas, Sherridon, and Pukatawagan.

File No. 42007.19.2

FRIDAY, the 15th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Winnipeg, October 10, 1939, in the presence of Counsel for Wings Limited, Arrow Airways, Limited, Canadian Airways Limited, The Pas Board of Trade, Canadian National Railways, Province of Manitoba, Manitoba Chamber of Mines, Industrial Development Board of Manitoba, Municipal District of Flin Flon, Sherridon Development Company, Limited, Winnipeg Board of Trade, Canadian Manufacturers' Association (Manitoba Division), Associated Boards of Trade of Manitoba, Winnipeg Real Estate Board, Brandon Board of Trade, and Town of Dauphin, and what was alleged—

It is ordered that the application be, and it is hereby, dismissed.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58330

In the matter of the application of the Canadian Pacific Railway Company, under Section 348 of the Railway Act, for approval of special contract for the release of responsibility in connection with the transportation of steel tanks and iron or steel pipes, rubber lined, in cold weather, on file with the Board under file No. 40615.

THURSDAY, the 30th day of November, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon reading what is filed in support of the application, and the recommendation of the Director, Traffic Department of the Board—the Dominion Rubber Company, Limited, consenting—

It is ordered: That the said special contract of the Canadian Pacific Railway Company for release of responsibility in connection with the transportation of steel tanks and iron or steel pipes, rubber lined, in cold weather, on file with the Board under file No. 40615, be, and it is hereby, approved.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58339

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," to amend Licence No. C.T.C. (A.T.) 3 to add Moncton, New Brunswick, to the points between which passengers and goods may be transported.

File No. 42007.10

MONDAY, the 4th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Whereas, by Order No. 57131, dated March 7, 1939, the Applicant was granted a licence to transport passengers and/or goods between certain points and places named by the Governor in Council under Order in Council P.C. 312, dated February 10, 1939, pursuant to Section 15 (1) (a) of The Transport Act, 1938;

And whereas the said Order in Council P.C. 312 has been amended by Order in Council P.C. 3644, dated the 14th November, 1939, by adding Moncton, New Brunswick, to the points and places named as aforesaid;

And whereas, in accordance with The Trans-Canada Air Lines Act, 1937, and under the authority of the Governor in Council, the Minister of Transport has entered into a contract with the Applicant for the organization, operation and maintenance by the Applicant of lines of aircraft for the transport of passengers and goods between Moncton, New Brunswick, and the points and places named in the said Licence—

Now therefore it is ordered: That Licence No. C.T.C. (A.T.) 3 be, and it is hereby, amended, effective November 1, 1939, by inserting the words "Moncton, New Brunswick," after the words "Montreal, Province of Quebec," on page 2 of the said licence.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58340

In the matter of the application of Wings Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Kenora, Red Lake, Ontario, and intermediate points.

File No. 42007.19

MONDAY, the 4th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Kenora, Minaki, Madsen, McKenzie Island, Red Lake, in the Province of Ontario;

which points and places are named by the Governor in Council under Order in Council P.C. No. 1918, dated July 22, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, subsection 2, of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Weekly: Between Kenora, McKenzie Island, Red Lake;

Flag Stops, as required by traffic, on weekly schedule at Minaki and Madsen;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 62 be issued for the period of one year from date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58341

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.13

MONDAY, the 4th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 17 to Tariff C.T.C. No. 1040, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 17 to Tariff C.T.C. No. 1040, approved herein, are as follows:—

From	To	Cents per 100 Pounds	
		Billed	Normal
Wolfville, N.S.	Saint John, N.B.	10·3	12·5
Middleton, N.S.		8·2	10·3
Bridgetown, N.S.		7·6	9·5

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58345

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

MONDAY, the 4th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 33 to Tariff C.T.C. No. E.1256
 Supplement No. 53 to Tariff C.T.C. No. E.1689
 Supplement No. 63 to Tariff C.T.C. No. E.1829
 Supplement No. 67 to Tariff C.T.C. No. E.1911
 Supplement No. 53 to Tariff C.T.C. No. E.2444
 Supplement No. 5 to Tariff C.T.C. No. E.3069
 Tariff C.T.C. No. E.3156
 Tariff C.T.C. No. E.3158
 Tariff C.T.C. No. E.3161
 Tariff C.T.C. No. E.3164

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58347

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

TUESDAY, the 5th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 32 to Tariff C.T.C. No. E.1256, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 32 to Tariff C.T.C. No. E.1256, approved herein, are as follows:—

Index	To	Cents per 100 Pounds	
		Billed	Normal
10568	Cap de la Madeleine, Que...	6	7½
12400	Labasse Siding, Que...		
12402	Napierville, Que...		
12404	St. Edouard, Que...		
12406	St. Mathieu, Que...		
12516	Edwards, Ont...		
12518	Pana, Ont...		
12520	Russell, Ont...		

Index	To	Cents per 100 Pounds	
		Billed	Normal
12522	Embrun, Ont.	6	7½
12524	Cambridge, Ont.		
12526	Crysler, Ont.		
12528	Berwick, Ont.		
12530	Newington, Ont.		
12532	Northfield, Ont.		
12534	Harrison, Ont.		
12536	Black River, Ont.		

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58350

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," for permission to amend their Tariff C.T.C. No. E-2115 on less than statutory notice to correct a clerical error.

File No. 27612.215

WEDNESDAY, the 6th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the following items, namely:—

Item 1726—Sugar, carloads, Montreal, Quebec, to Chicoutimi, Quebec, 27 cents per 100 lbs. Minimum weight 80,000 lbs.

Item 1750—Sugar, carloads, or Sugar and Rice, mixed carloads, Montreal, Quebec, to Pembroke, Ontario, 25 cents per 100 lbs. Minimum weight, 40,000 lbs.

Published on 27th Revised Page 132 of Applicants' Tariff C.T.C. No. E-2115 have, through clerical error, been indicated to expire on December 31, 1939, although it was intended that such items should expire with November 30, 1939, and the Applicants desire to make correction on less than statutory notice—

It is ordered: That the Applicants be, and they are hereby, granted permission to publish on one day's notice a Revised Page to the aforesaid Tariff to correct the said error.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58357

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.12

THURSDAY, the 7th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 11 to Tariff C.T.C. No. E.4790, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 11 to Tariff C.T.C. No. E.4790, approved herein, are those approved for Supplement No. 10 to Tariff C.T.C. No. E.4790, in Order No. 58320, dated November 29, 1939.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58358

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 7th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 12 to Tariff C.T.C. No. E.4790, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 12 to Tariff C.T.C. No. E.4790, approved herein, are as follows:—

Item	From stations taking Eastbound Rate Groups H, K and L, listed in Canadian Freight Association Tariff C.T.C. No. 1165. Also from specific stations shown in items listed below:		
	Cents per 100 pounds		
	H.	K.	L.
425A L.C.L.	367½	375	377½
Minimum 30,000	217	221½	223
Minimum 24,000	252½	257½	259½
	(5) 292	297½	300
For explanation of reference mark (5) see item 425A.			
950B L.C.L.	316	322½	324½
C.L.	205	209	210½
980 L.C.L.	367½	375	377½
C.L.	183	186½	188
1080A	194	198	199
1320A L.C.L.	367½	375	377½
C.L.	208	212	213½
1330B	159½	162½	164
1380B Minimum 24,000	208	212	213½
Minimum 40,000	159½	162½	164
1410A	159½		
1870A Minimum 30,000	205	209	210½
1960	417	425½	428½
2546A	171½	175	175
From Yarmouth, N.S.	181		
2840E	110½		

From Dominion Atlantic Railway stations, one and one-half cents per 100 pounds to be deducted account of water haul.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58359

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 7th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Item 10A of Supplement No. 1 to Tariff C.T.C. No. E.4897, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 10A of Supplement No. 1 to Tariff C.T.C. No. E.4897, approved herein, are as follows:—

From stations on the Dominion Atlantic Railway listed below, Montreal, Quebec, rates published in Canadian Freight Association Tariff C.T.C. No. 569, plus the undermentioned arbitraries:—

Item		Cents per 100 pounds
10A	Annapolis Royal, N.S.	41
	Auburn, N.S.	39½
	Avonport, N.S.	34
	Aylesford, N.S.	39½
	Bear River, N.S.	40½
	Berwick, N.S.	37
	Billtown, N.S.	39½
	Brickton, N.S.	41
	Bridgetown, N.S.	31
	Cambridge, N.S.	37
	Canning, N.S.	37
	Centreville, N.S.	37
	Clementsport, N.S.	40½
	Coldbrook, N.S.	37
	Deep Brook, N.S.	40½
	Falmouth, N.S.	30
	Grafton, N.S.	41
	Grand Pre, N.S.	34
	Hantsport, N.S.	31½
	Hillaton, N.S.	37
	Horton Landing, N.S.	34
	Kentville, N.S.	36
	Kingsport, N.S.	37
	Kingston, N.S.	39½
	Lakeville, N.S.	39½
	Lawrencetown, N.S.	41
	Middleton, N.S.	28
	Mill Village, N.S.	37
	Paradise, N.S.	41
	Port Williams, N.S.	36
	Roundhill, N.S.	41
	Sheffield Mills, N.S.	37
	Somerset, N.S.	42½
	Tupperville, N.S.	41
	Upper Clements, N.S.	40½
	Waterville, N.S.	37
	Weston, N.S.	42½
	Wilmot, N.S.	39½
	Windsor, N.S.	30
	Wolfville, N.S.	34
	Woodville, N.S.	41

For purpose of reimbursement, shipments from Digby and Digby Wharf, Nova Scotia, will be reported at Saint John, New Brunswick, rates.

One and one-half cents per 100 pounds to be deducted account of water haul.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58361

In the matter of the Order of the Board No. 57502, dated May 26, 1939, authorizing the issue of Licence No. C.T.C. (W.T.) 23 to Reginald Arthur Carter for a period of one year from January 15, 1939.

File No. 42076.26

THURSDAY, the 7th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas the said Reginald Arthur Carter has notified the Board that the undermentioned ship, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Brulin.	148087	2,241

has been sold by its owners to other interests, and that he has surrendered his licence—

It is therefore ordered: That Licence No. C.T.C. (W.T.) 23, dated May 29, 1939, and the said Order No. 57502, dated May 26, 1939, be, and they are hereby, cancelled.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58362

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

FRIDAY, the 8th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 32 to Tariff C.T.C. No. E.1256, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of section 3 of the said Act: the Canada & Gulf Terminal Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Canada & Gulf Terminal Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 32 to Tariff C.T.C. No. E.1256, approved herein, are as follows:—

From	Cents per 100 pounds	
	Billed	Normal
Priceville, Que.	2½	3
Mallory, Que.		
Crawford, Que.		
Metis Beach, Que.		
Plourde, Que.		
Baie des Sables, Que.	4½	5½
Lepage, Que.		
Tartigou, Que.		
Rivière Blanche, Que.		
St. Leandre, Que.		
Matane, Que.		

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58373

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

SATURDAY, the 9th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published to Springhill, Nova Scotia, in item 140 of Tariff C.T.C. No. E.3158, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Cumberland Railway and Coal Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Cumberland Railway and Coal Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act on traffic carried under the said item 140 of Tariff C.T.C. No. E.3158, to Springhill, Nova Scotia, approved herein, are as follows:—

From	Cents per 100 pounds	
	Billed	Normal
Dartmouth, N.S.....	5	6
Saint John, N.B.....		
Halifax, N.S.....		

HUGH WARDROPE,

Asst. Chief Commissioner.

ORDER No. 58374

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

SATURDAY, the 9th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published to Baker Brook, New Brunswick, in item 60 of Tariff C.T.C. No. E.3158, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Temiscouata Railway Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 60 of Tariff C.T.C. No. E.3158, to Baker Brook, New Brunswick, approved herein, is:—

Cents per 100 pounds	
Billed	Normal
6½	8

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58380

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

MONDAY, the 11th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 80 to Tariff C.T.C.....	No. E.1244
“ 68 to Tariff C.T.C.....	“ E.1911
“ 57 to Tariff C.T.C.....	“ E.2248
“ 27 to Tariff C.T.C.....	“ E.2474

Tariff C.T.C. No. E.3173.

HUGH WARDROPE,

Assistant Chief Commissioner.

GENERAL ORDER No. 594

In the matter of the General Order of the Board No. 441, dated 4th May, 1927, approving regulations governing the location and operation of loading racks and unloading points for gasoline, naphtha, or any inflammable liquid with flash point below 30° F., for the observance of railway companies subject to the jurisdiction of the Board.

File No. 28638.2

THURSDAY, the 14th day of December, A.D. 1939.

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Upon the report and recommendation of the Director, Operating Department of the Board—

It is ordered that the said General Order No. 441, dated 4th May, 1927, be, and it is hereby, amended by striking out the figures, “80,” in the fourth line of paragraph 3 (a) of the order (page 3), and substituting therefor the figures, “70.”

HUGH WARDROPE,

Assistant Chief Commissioner.

NOTICES. ORDERS IN COUNCIL, ETC.

The following Orders in Council are reproduced for the information of all concerned:—

P.C. 3995

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of December, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council, P.C. 569, dated March 14, 1939, certain points and places designated for identification purposes as Routes Nos. C1 to C10, inclusive, were named by the Governor General in Council, on the recommendation of the Board of Transport Commissioners, under the provisions of Section 15 (1) (b) of the Transport Act, 1938;

And whereas by Order in Council, P.C. 3353, dated October 27, 1939, the above-mentioned Order in Council, P.C. 569, of March 14, 1939, was rescinded at the request of The Board of Transport Commissioners in order to provide for the inclusion, in respect of Routes numbered C7 and C8, of certain additional points and places between which the provisions of Part III of the Transport Act, 1938, might fittingly be applied;

And whereas the Minister of Transport reports that the Board of Transport Commissioners, by letter of November 13, 1939, has corrected its request for the rescinding of Order in Council, P.C. 569, of March 14, 1939, making it clear that amendment with respect to Routes C7 and C8 only was desired, and that it is now necessary to rescind Order in Council, P.C. 3353, dated October 27, 1939, and to re-establish the original list of points and places as named by Order in Council, P.C. 569, of March 14, 1939, with such changes in Routes C7 and C8 as have subsequently been recommended;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to rescind Order in Council, P.C. 3353, dated October 27, 1939, and it is hereby rescinded accordingly.

His Excellency in Council, pursuant to the provisions of Subsections (1) (b) of Section 15 of the Transport Act, 1938, is further pleased to order that Part III of the said Act be, and it is hereby made applicable as of October 27, 1939, to transport by air by means of reasonably regular air transport services between the following points and places, as recommended by the Board of Transport Commissioners for Canada, namely:—

Route Number	Points and Places
C 1	Whitehorse, Carmacks, Selkirk, Mayo, Dawson, Yukon Territory;
C 2	Atlin, Province of British Columbia, Carcross, Yukon Territory;
C 3	Rimouski, Bersimis, Outardes Falls, Baie Comeau, Godbout, Trinity Bay, Pentecost, Shelter Bay, Clarke City, Matane, Seven Islands, Province of Quebec (with alternative terminals on lakes at Val Brilliant and Rimouski as weather conditions demand);
C 4	Rimouski, Forrestville, Bersimis, Outardes Falls, Matane, Baie Comeau, Province of Quebec (with alternative terminals on lakes at Rimouski and Val Brilliant as weather conditions demand);
C 5	Seven Islands, Moisie, Sheldrake, Rivière au Tonnerre, Rivière St. Jean, Mingan, Havre St. Pierre, Ellis Bay, Baie Johan Beetz, Aguanish, Natashquan, Kegaska, Gethsemani, Harrington Harbour and/or the Barachois, Province of Quebec;
C 6	Matane, Godbout, Trinity Bay, Pentecost, Shelter Bay, Clarke City, Seven Islands, Province of Quebec;
C 7	Big River, Meadow Lake, Dore Lake, La Plonge/Beauval, Ile a la Crosse, Pine River, Clear Lake, Buffalo River, Buffalo Narrows, Lac la Loche, in the Province of Saskatchewan;

Route Number	Points and Places
C 8	Prince Albert, Montreal Lake, Lac la Ronge, Sulphide Lake, Dog Lake, Hepden Lake, Stanley, Souris River, Rottenstone Lake, Foster Lakes, in the Province of Saskatchewan;
C 9	The Pas, Province of Manitoba; Sturgeon Landing, Cumberland House, Province of Saskatchewan;
C 10	Flin Flon, Cranberry Portage, Gurney Gold, Elbow Lake, Sherridon, Pukatawagan, Province of Manitoba;

such points and places to include the area surrounding the same where passengers embark or disembark, and goods shipped from and destined to the said points or places may be received and delivered.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

P.C. 4040

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 8th day of December, 1939

PRESENT

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas Part III of The Transport Act, 1938, relative to Transport by Air, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, license aircraft to transport passengers and/or goods between specified points or places in Canada, or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection 1 (a) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of international or interurban air transport services between points and places named by the Governor in Council;

And whereas by Order in Council, P.C. 976, dated April 27, 1939, Part III of The Transport Act, 1938, was made applicable to transport by air by means of interurban air transport services between the following points and places, namely,

Moncton—St. John—Halifax

such points or places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

And whereas the Minister of Transport reports that, due to the restrictions placed on flying between the said points and places on account of military necessity, the Chief of Air Services of the Department of Transport now recommends that Part III of The Transport Act, 1938, be no longer applicable to transport by air by means of interurban air transport services between such points and places;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased to rescind Order in Council, P.C. 976, dated April 27, 1939, and it is hereby rescinded accordingly.

H. W. LOTHROP,

Assistant Clerk of the Privy Council.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

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No. 22

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Consideration of the question of the protection to be provided at the proposed level crossing of the Canadian Pacific Railway at the intersection of Highway No. 11, at Degrosbois, Municipality of Ivry-sur-le-Lac, County of Terrebonne, Quebec; and the apportionment of the cost thereof.

(File 27156.223)

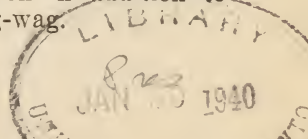
JUDGMENT

WARDROPE, ASSISTANT CHIEF COMMISSIONER:

This application was heard in the City of Montreal on October 30, 1939, in the presence of Mr. A. Latour, Assistant Deputy Minister, Department of Highways for the Province of Quebec, and Mr. L. G. Prevost, K.C., for the Canadian Pacific Railway Company.

From what has been submitted it would appear that the Department of Highways for the Province of Quebec is improving to a great extent highway No. 11 running from Montreal to Ste. Agathe, Mont Laurier and points beyond, and in the general scheme of improvement relocations of certain crossings have been contemplated. This particular crossing in question is to be a new crossing some 102 feet to the north of the existing crossing at Degrosbois, in the County of Terrebonne, at mileage 49.23, Ste. Agathe Subdivision, and 217 feet north of Degrosbois Station. Incidental to this application the question was raised by the Canadian Pacific Railway Company with regard to access to its station at Degrosbois should this new crossing be completed. Transcript of evidence, volume 663, p. 2313, shows that this phase of the matter will be provided for by the Department of Highways to the satisfaction of the railway.

Protection in the form of a bell and wigwag, estimated to cost \$2,180 with an annual maintenance thereof of \$300, is asked for by the department; the department signifying its willingness to bear the cost of construction of this proposed protection asks that 50 per cent of maintenance thereof be placed upon the railway. It is alleged by the railway that it is senior at this crossing and this has not been denied by the department. Counsel for the railway stated at the hearing that at the existing crossing which it is proposed shall be abandoned there have been two accidents since 1900. In 1935 the Board by recommendation to the Governor-in-Council contributed some \$2,000.00 to clear the sight lines at this crossing. Following this action it would seem that the crossing was sufficiently protected by reason of this work and by virtue of the usual statutory warnings. However, the proposed new crossing, by reason of the topography of the land through which it passes, will be in a cut. Consequently, the nature of the sight lines will be such that undoubtedly the crossing will be hazardous without some form of auxiliary protection in addition to statutory protection—hence the application for bell and wig-wag.



The vehicular traffic over the old crossing was not unduly heavy and during the winter months it was practically nil. The improvement to highway No. 11 through this district and a considerable distance beyond will enable and encourage an increased volume of vehicular traffic to move over it. As highway No. 11 parallels the railway, touching at many points served by the railway, it is easily seen that it will create direct and increasing competition to the railway. Is it reasonable, under the circumstances, for such a competitor, having created the increased hazards at the crossing, to ask the railway to bear a portion of the cost of protection necessitated thereby? I do not think so. From the evidence it would not appear that any increase in the hazard of this crossing has been created by an increase in the volume of rail traffic. On the other hand, it is quite possible that the completion of this improved highway which it is proposed to keep open throughout the year may adversely affect the traffic on this railway running parallel to it.

It is true the protection proposed would be of some benefit to the railway, but, generally speaking, conditions have changed so materially to-day on the highways throughout the whole of Canada; vehicular traffic is moving and being encouraged to move in such volume and at such speed; the supervision of and compliance with safety rules is often so sketchy and there is such a dangerous percentage of undisciplined and incompetent drivers that in many cases this very highway traffic can be a decided menace not only to itself but also to the public travelling by rail. Accident statistics at railway crossings show this to be so. In this case, as in others I have in mind, I am not at all convinced that it would be unreasonable for the railway on its own behalf and that of its patrons to be the one demanding additional protection. I do not make these observations with reference to any particular province or location but merely as facts no one can shut their eyes to.

Going back to this particular crossing at Degrosbois, a traffic count covering two twenty-four-hour periods ending 6.00 a.m. (Sunday) August 27, 1939, and August 31, 1939 (Thursday), respectively, shows the following—for the period ending 6.00 a.m. (Sunday) August 27, 9 trains and 1,006 motor vehicles; on August 31 (Thursday), 8 trains and 734 motor vehicles. I would suggest that when the proposed improvements to No. 11 highway are completed undoubtedly the vehicular traffic will greatly increase; but it is problematical if rail traffic will.

However, apart from all other considerations, there is still the senior and junior rule to be considered. I do not think that there is anything in this case that would suggest a deviation from this rule. Consequently, as the railway is senior, I am of the opinion that any costs of protection, including maintenance thereof, required at this particular crossing should be borne by the applicant. However, I feel that under the circumstances this application merits a grant from the Grade Crossing Fund. Accordingly, I would grant the application in so far as permitting the relocation of the crossing in accordance with the plans filed; I would grant 40 per cent of the estimated costs for bell and wigwag, not exceeding, however, the sum of \$872; the cost of maintenance to be upon the applicant.

December 14, 1939.

The Deputy Chief Commissioner and Commissioners Stone and MacPherson concurred.

(Traduction)

Prise en considération de la question de protection au passage à niveau projeté à l'intersection du chemin de fer Pacifique-Canadien et de la Route N° 11 à Degrosbois, municipalité d'Ivry-sur-le-Lac, comté de Terrebonne, P.Q., et aussi prise en considération de la question de répartition du coût d'icelle.

(Dossier N° 27156.223)

JUGEMENT

WARDROPE, Commissaire en chef adjoint:

Cette requête fut entendue à Montréal le 30 octobre 1939, en présence de M. A. Latour, sous-ministre adjoint du ministère de la Voirie de la Province de Québec, et de M. L.-G. Prévost, c.r., comparaissant pour la compagnie du chemin de fer Pacifique-Canadien.

D'après ce qui a été soumis, il semblerait que le ministère de la Voirie de la Province de Québec est à faire des améliorations considérables sur la Route N° 11 qui va de Montréal à Ste-Agathe, Mont-Laurier et plus loin, et dans le projet général d'amélioration on a prévu le déplacement de certains passages à niveau. Le passage dont il est question doit être un nouveau passage situé à quelque 102 pieds au nord du passage actuel à Degrosbois, dans le comté de Terrebonne, au mille 49.23 de la Subdivision de Ste-Agathe, et à 217 pieds au nord de la station de Degrosbois. A la suite de la présente requête, le chemin de fer souleva la question d'accès à sa station de Degrosbois advenant le parachèvement de ce nouveau passage à niveau. La preuve au Vol. 663, p. 2313, indique que le ministère de la Voirie verra à régler ce point à la satisfaction du chemin de fer.

Le ministère de la Voirie demande que ce passage soit protégé au moyen d'une sonnerie et d'un pendule-avertisseur dont le coût est évalué à \$2,180 et les frais d'entretien annuel à \$300; ledit ministère laissant entendre qu'il est prêt à assumer le coût d'installation de cette protection projetée, mais demandant que 50% de son entretien soit aux frais du chemin de fer. Le chemin de fer allègue qu'il passait sur le site de ce passage avant le chemin public, ce qui n'est pas contredit par le ministère. L'avocat du chemin de fer a déclaré à l'audition, qu'au passage à niveau actuel que l'on propose d'abandonner, il était survenu deux accidents depuis 1900. En 1935, la Commission, à la suite d'une recommandation au Gouverneur-en-conseil, versa quelque \$2,000 pour l'amélioration de la visibilité à ce passage. A la suite de cette attitude, il semblerait que le passage était suffisamment protégé par cette amélioration et par l'usage ordinaire du sifflet et de la cloche des locomotives imposé par la loi. Toutefois, le nouveau passage projeté, à cause des accidents de terrain où la route passe, se trouvera dans une tranchée. Par conséquent, la visibilité sera telle que ce passage offrira sans doute des dangers s'il n'existe une autre protection en plus de la protection par le sifflet et la cloche des locomotives—de là la requête pour une protection au moyen d'une sonnerie et d'un pendule-avertisseur. La circulation sur l'ancien passage n'était pas très considérable, et durant les mois d'hiver elle était pour ainsi dire nulle. Les améliorations sur la Route N° 11 dans ce district et sur une distance considérable au delà dudit district permettraient à un plus grand nombre d'automobilistes d'y circuler. Vu que la Route N° 11 va dans une direction parallèle au chemin de fer, passant par plusieurs endroits desservis par celui-ci, on peut facilement concevoir qu'elle augmentera directement la concurrence au chemin de fer. Est-il raisonnable

dans les circonstances qu'un tel concurrent responsable de l'augmentation des dangers à ce passage, demande au chemin de fer d'assumer une partie des frais de protection rendus nécessaires par cette augmentation des dangers? Je ne le crois pas. D'après la preuve, il ne semblerait pas qu'aucune augmentation des dangers à ce passage n'ait été créée par une augmentation de la circulation ferroviaire. D'un autre côté, il est fort possible que le parachèvement de cette route améliorée que l'on se propose de tenir ouverte à la circulation durant toute l'année, puisse être défavorable au chemin de fer qui est parallèle à cette route.

Il est vrai que la protection projetée serait de quelque avantage pour le chemin de fer, mais généralement parlant, les conditions ont tellement changé aujourd'hui sur les routes dans tout le Canada, la circulation des véhicules s'accroît tellement en nombre et en vitesse, la surveillance et l'observation des règlements de sécurité sont si souvent incomplètes, et il y a un si grand nombre de conducteurs incompetents et ignorants que dans bien des cas ce trafic routier constitue une menace réelle non seulement pour lui-même mais aussi pour le public qui voyage par chemin de fer. Les statistiques des accidents aux passages à niveau démontrent qu'il en est ainsi. Dans le cas présent, de même que dans d'autres que j'ai dans l'idée, je ne suis pas du tout convaincu qu'il serait déraisonnable pour le chemin de fer, pour son propre compte et celui de ses clients, de demander lui-même une protection additionnelle. Je ne fais pas ces remarques par rapport à une province ou à une localité en particulier, mais simplement pour mentionner des faits que personne ne peut ne pas observer.

Revenant au passage de Degrosbois, un relevé de la circulation pour deux périodes de 24 heures se terminant à 6 heures de l'avant-midi, dimanche, le 27 août 1939, et jeudi, le 31 août 1939, indique ce qui suit: durant la période se terminant à 6 heures de l'avant-midi (dimanche), le 27 août, 9 convois et 1,006 véhicules-moteurs ont croisé ledit passage; le 31 août (jeudi), 8 convois et 734 véhicules-moteurs l'ont croisé. Je serais porté à croire que lorsque les améliorations projetées sur la Route N° 11 seront complétées, la circulation des véhicules sans aucun doute augmentera considérablement, mais il est douteux qu'il en soit ainsi de la circulation ferroviaire.

Toutefois, outre toutes autres considérations, il reste encore à considérer la question de priorité "senior and junior rule". Je ne crois pas qu'il y ait quoi que ce soit dans le cas présent qui puisse nous porter à ne pas tenir compte de cette règle. Par conséquent, vu que le chemin de fer est plus ancien que la route, je suis d'opinion que tous frais de protection, y compris ceux d'entretien requis à ce passage, devraient être assumés par le requérant. Je crois cependant que dans les circonstances cette requête mérite que l'on accorde une contribution à même la Caisse des passages à niveau. En conséquence, j'accorderais la requête autant qu'il s'agit de permettre le déplacement du passage conformément aux plans produits; j'accorderais 40% du coût évalué d'installation d'une sonnerie et d'un pendule-avertisseur n'excédant pas, toutefois, la somme de \$872; le coût d'entretien devant être aux frais du requérant.

le 14 décembre, 1939.

Le Commissaire en chef suppléant et les Commissaires Stone et MacPherson se sont ralliés au jugement ci-dessus.

ORDER No. 58416

In the matter of the application of the Department of Roads for the Province of Quebec, hereinafter called the "Applicant," under Section 257 of the Railway Act, for authority to close the existing level crossing of the Canadian Pacific Railway on Highway No. 11, at Degrosbois, in the Municipality of Ivry sur le Lac, County of Terrebonne, and Province of Quebec, mileage 49·23 Ste. Agathe Subdivision; to construct a crossing of the said railway on the said Highway No. 11 as diverted; and for the installation of a bell and wigwag at the new crossing.

File No. 27156.223

MONDAY, the 18th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Montreal, October 30, 1939, in the presence of Counsel for the Railway Company and a representative of the Applicant, and what was alleged—

It is ordered:

1. That the Applicant be, and it is hereby, authorized to construct a highway crossing over the Canadian Pacific Railway on Highway No. 11 as diverted at mileage 49·25 Ste. Agathe Subdivision, at Degrosbois, in the Municipality of Ivry sur le Lac, County of Terrebonne, and Province of Quebec, as shown on the plan and profile dated 11th July, 1939, on file with the Board under file No. 27156.223; the said crossing to be constructed in accordance with the Standard Regulations of the Board Affecting Highway Crossings.

2. That the existing level crossing of the Canadian Pacific Railway at mileage 49·23 Ste. Agathe Subdivision be closed within the limits of the railway right of way.

3. That the cost of constructing the proposed new crossing be borne and paid by the Applicant and the cost of maintenance by the Canadian Pacific Railway Company.

4. That, within ninety days after the completion of the crossing herein authorized, the Canadian Pacific Railway Company install a bell and wigwag in accordance with the Standard Specifications for Highway Crossing Signals approved under General Order No. 468, dated 12th March, 1929, as amended by General Orders Nos. 521 and 553, dated respectively 2nd November, 1933, and 26th March, 1936; a detail plan showing the layout thereof to be submitted for the approval of an Engineer of the Board.

5. That forty per cent of the cost of installing the said bell and wigwag, not exceeding, however, the sum of \$872, be paid out of the Railway Grade Crossing Fund; and that the remainder of such cost, as well as the cost of maintenance, be borne and paid by the Applicant.

HUGH WARDROPE,

Assistant Chief Commissioner

In the matter of "Discounts from Monthly Transportation Accounts" and "Contract Rates" by Air Carriers subject to the Transport Act, 1938.

File No. 42274

JUDGMENT

BY THE BOARD:

When the licensed air carriers filed their first tariffs with the Board, about August 1st and later, it was found that some carriers provided therein for discount arrangements as later set out herein. There were also a number of special tariffs filed publishing rates much lower than those shown in the tariffs containing what might be termed the normal rates, and it was stated the rates in these special tariffs were those provided for by contracts or agreements existing as between the carrier and the shipper or consignee. On August 12th, the Board communicated with the air carriers as follows:—

"There are enclosed copies of various communications dealing with the matter of contracts and discounts. The terms 'Contract Rates' and 'Discount' are used in such a manner that the Board is not clear as to the distinction if any, between them. This point should be made quite clear when filing your further submissions.

The Board intends giving consideration to this question, with a view to determining whether such practices are lawful under the provisions of The Transport Act, 1938. For this purpose, it is necessary that it be placed in possession of complete information concerning all aspects of the matter, in order to deal with it intelligently. I am directed to ask that you file your complete submissions, together with a statement as to your position, with regard to these arrangements, and, amongst other things, the Board desires to be advised:—

Why such arrangements were made;

Why they are now necessary;

If such arrangements are peculiarly necessary for the successful promotion and continuance of air transportation, whether the granting of such privileges should or could be confined to specific movements of traffic in a restricted area;

Why the same result could not be accomplished by the filing of special or competitive tariffs;

What your views are concerning such arrangements creating unjust discrimination or undue or unreasonable preference; your attention being particularly directed to Section 24 and other relevant sections of The Transport Act;

Names and addresses of all companies obtaining contract rates or discounts from your company during 1938 and 1939, with a brief statement in each case as to the specific reasons for making such arrangements. If, in any case, it was to meet competition, outline fully the nature of the competition."

Thereafter, the matter was set down for hearing at sittings of the Board in Saskatoon on September 20th, Edmonton on September 21st, and Winnipeg on October 10th, for the purpose of hearing representations with respect to what was set out in the Board's letter of August 12th. Notices of hearing were sent to the air carriers as well as companies receiving contract rates or discounts during 1938-39. The matter of discounts and the question of contracts will be separately dealt with herein.

DISCOUNTS

A discount from the published tolls and charges in favour of certain passengers, shippers or consignees is an arrangement which, of course, does not exist with respect to rail and water carriers or express, telephone, or telegraph companies subject to the Board's jurisdiction. The following licensed air carriers make no provision for discount arrangements such as here under review:—

Arrow Airways Limited,
 Boston-Maine Airways, Inc.,
 British Yukon Navigation Co. Ltd.,
 Canadian Colonial Airways, Inc.,
 Canadian Colonial Airways, Ltd.,
 Ginger Coote Airways Ltd.,
 Northwest Air Lines, Inc.,
 Northern Airways Ltd.,
 Pacific Alaska Airways Inc.,
 Prairie Airways Ltd.,
 Quebec Airways Ltd.,
 Starratt Airways & Transportation Ltd.,
 Trans-Canada Air Lines,
 United Air Lines Transport Corporation.,
 Wings Limited,

Canadian Airways Limited, Mackenzie Air Service Limited, and the M & C Aviation Company Limited have discount arrangements as follows:—

CANADIAN AIRWAYS LIMITED

1. *Tariff, C.T.C. No. 1, Part III, Page 12.*

"The following scale of discounts shall apply to all accounts, subject to payment within thirty days of date of invoice: Provided that where the adjustment of accounts is delayed due to interruption of service by break-up or freeze-up extension may be granted equal to the period of such interruption.

1. On gross air charges of \$1,000 or over in any calendar month 5 per cent.
2. On gross air charges of \$2,000 or over in any calendar month 10 per cent.
3. On gross air charges of \$5,000 or over in any calendar month 15 per cent.

Discounts will apply only to traffic moving at regular rates as specified in tariffs. Special commodity rates, reduced fares, etc., may be exempt from discount and will then be shown as 'EXEMPT FROM DISCOUNT' in the special tariff covering same."

2. *Sup. No. 1 to C.T.C. No. 1.*

"Special scale of discounts applying only on the routes listed below and to traffic chargeable to the account of mining companies operating at or in the vicinity of South Trout Lake, Ontario. These discounts supersede those quoted in Regulations for Carriage, C.T.C. No. 1, Part III, Section 18.

Routes on which applicable:

1. Between Winnipeg and South Trout Lake or Northwind Lake.
2. Between Lac du Bonnet and South Trout Lake or Northwind Lake.
3. Between Berens River and South Trout Lake or Northwind Lake.
4. Between Red Lake and South Trout Lake or Northwind Lake.

The following scale of discounts will apply to the gross annual transportation bill paid by the mining company:

1. \$10,000 or under Nil discount.
2. \$10,001 to \$20,000 5% discount.
3. \$20,001 to \$30,000 10% discount.
4. \$30,001 to \$40,000 15% discount.
5. \$40,001 and over 20% discount.

Provided: That in determining the volume of business during any one year for the purpose of arriving at the discount applicable for that year, any fares or express charges paid in cash by employees of the mining company shall be included in the total volume for that year."

MACKENZIE AIR SERVICE LIMITED

3. *Tariff, C.T.C. No. 10, Page 9, Rule 14.*

"The following scale of discounts shall apply to all accounts, subject to payment within 15 days of date of receipt of invoice at paying office:

1. On gross air charges of \$1,000 or over in any calendar month 5 per cent.
2. On gross air charges of \$2,000 or over in any calendar month 10 per cent.
3. On gross air charges of \$5,000 or over in any calendar month 15 per cent."

4. *Tariff, C.T.C. No. 11.*

"Special Discounts for Deferred Traffic

Discount to mining companies and/or mining syndicates on consideration of obtaining the entire air traffic of said mining companies or syndicates, for the transportation of passengers and/or goods as and when space in any aircraft is available and not required for any other purpose and to be transported at the convenience of the Carrier on any scheduled or non-scheduled flight.

15% Discount on Published Tariff Rates."

5. *Tariff, C.T.C. No. 15.*

"Discounts to Federal Government Departments

Discounts allowed to Federal Government Departments on freight traffic routed over the licensed or unlicensed routes of Mackenzie Air Service Limited.

20% Discount."

M & C AVIATION COMPANY LIMITED

6. *Tariff, C.T.C. No. 6.*

"10% discount on passenger fares and goods flown in connection with the Catholic Missions at Beauval, Ile a la Crosse and Lac la Loche, and the Anglican Church Missions at Lac la Ronge and Stanley.

5% discount to all licensed traders on goods and passenger fares flown in connection with their business."

7. *Supp. No. 1 to C.T.C. No. 6.*

"10% discount to all licensed fishermen shall apply to all passenger fares and plane load lots flown between October 1st and January 31st following in each year, subject to payment within ninety days of date of invoice; provided that where the adjustment of accounts is delayed due to interruption of service by freeze-up, extension may be granted equal to the period of such interruption.

Several of the air carries having no provision for discounts made no submissions to the Board.

The British Yukon Navigation Company Ltd., stated:—

"This company has never had any system of lower rates to one shipper than another for larger volume of traffic."

Mr. Weber, President of Arrow Airways Limited, in a written submission stated:—

"With regard to the matter of contract rates and discounts given by operators in the past. Personally, as far as our operations are concerned, I see no necessity for such a practice to continue."

At the Winnipeg hearing, Mr. Weber stated:—

"We are entirely open on the subject."

At the Saskatoon hearing, Mr. Mayson, of the M & C Aviation Company Ltd., set out his position as follows:—

"...as far as discounts are concerned, in our opinion discounts should not be allowed in such a way that they will cover the whole of Canada, or Canada at large, but should be confined to districts in order to make it more equitable for the small company. By allowing such companies as Canadian Airways to cover the whole of Canada, they get contracts with large companies who are also operating all over Canada, and they can give a larger discount, a larger volume of business, in that way, taking it as a whole, but a smaller company operating in one district cannot hope to compete against that.

We contend, therefore, that, in allowing discounts, it should be confined to the districts having regard to the volume of business done in those districts.

In this information I received from you, it is several times mentioned about these charges allowed,—discounts on gross charges,—and it specifies one thousand dollars or over in any calendar month. We contend that discounts should be allowed in the district to not only a thousand dollars and over, but from one dollar up to such as licensed traders, and missionaries, who do not do any volume of business like that. That, of course, was possibly applicable to the large mine corporations, but we also have to consider, especially in our district where there is no mining going on, the trader and the missionary, and we contend that the discounts should be allowed, as we have filed discounts covering independent traders, and the missionaries, or anyone practically, in connection with the missionary work up in the north."

Mackenzie Air Service Limited, in a written submission, stated:—

"We agreed with Canadian Airways here on a basis of discount graduated according to the volume of business per month. We discover now that some of these contracts have been made with organizations who have interests in different sections of Canada. Canadian Airways are flying in different sections of Canada, whereas Mackenzie Air Service operates in this area alone and if this is allowed Canadian Airways are in a favoured position as they can offer discounts which we cannot give, as the volume of business for that particular company in this area might not come up to the amount on which discounts can be allowed."

In a submission filed by Canadian Airways Limited, it is stated:—

"Northern air transport traffic comes from (1) Volume traffic of mining companies; (2) Traffic complementary thereto; (3) Other traffic.

The volume traffic of mining companies is the backbone or the foundation of air service to any area. The traffic complementary to the

mining development in an area increases as the mining projects in the area develop into producers and this traffic, while not controlled by the mining companies, is directly dependent upon them. The establishment of an air service having been made possible by mining development provides a facility not otherwise justifiable but which then becomes available to those in the area not identified with the mining industry. Our experience has proved that in order to successfully establish and conduct a complete air service to the outlying regions in northern Canada, we must be able to obtain and transport considerable of the large volume of traffic required by the mining companies. Our rate policy has, therefore, been established on the firm conviction that it offers to both customer and carrier alike the soundest and fairest basis of handling the traffic, besides being of decided assistance in furthering the development of the northern mining areas which mean so much to the welfare of Canada as a whole.

In order to attract as much volume business as possible, Canadian Airways Limited has, in the past, allowed the shipper consideration for a large quantity of business by giving to shippers a special discount of agreed percentages from the monthly bill based upon the regular rates, such percentages differing according to the size of the account, i.e., according to the volume of business."

It is also stated that a difference in rates as between casual shipments and volume traffic is necessary, for the reason that:—

"If the carrier is forbidden to charge different rates for transporting volume traffic it may not be possible to establish a service, for a rate high enough to secure the maximum contribution toward the constant expenses from the casual shipments would preclude the possibility of shipping volume traffic, while a rate low enough to attract volume traffic would materially reduce the profitableness of carrying the casual traffic. In other words, difference in rates between ordinary traffic and volume traffic may be the only condition under which a service can be established or continued. The volume of traffic moving in a given time must be the most important factor in setting a rate."

It is further stated:—

"The most practical way which Canadian Airways Limited has found to achieve this result is by allowing a scale of discounts based on the gross volume shipped in a given period. These discounts are provided for in our filed tariffs. The gross volume shipped is accurately represented by the gross monthly tolls since this takes into consideration the actual amount of flying which has to be done in a given time, and acts automatically whether the traffic consists of heavy tonnage over a short haul or only moderate tonnage over a long haul. The discount scheme is in our opinion fair in that it is available to every shipper, and acts impartially. It is fair also from the carrier's point of view in that, when the volume falls off, the net rate which the carrier receives is automatically the casual rate.

The sliding scale of discounts has been determined from actual experience, and is based on the fundamental fact that the cost of air carriage decreases with increased intensity of operation. The greater the number of flights in any given period the lower the costs. By this system of discounts the carrier passes on to the shipper some of the advantage resulting from these decreased costs."

From the standpoint of unjust discrimination or undue or unreasonable preference, it is stated:

"We submit that the sliding scale of discounts hereinbefore referred to, which is set out in our filed tariffs, does not constitute an 'undue or unreasonable preference' or 'unjust discrimination' within the meaning of any of the provisions of the Transport Act. As hereinbefore set forth, we believe that the fairest way by which volume of business in air transportation may receive the rate to which it is entitled is by means of these discounts. These discounts will be the same to all so that all the net rates will be the same under substantially similar circumstances and conditions and will apply equally to all persons and at the same rate for the same volume of traffic in the same period. Any 'preference' given to any person by reason of the volume of business would, in our view, not be 'undue or unreasonable'."

Counsel for Canadian Airways Limited alleged that there is a fundamental difference in transport by air and other forms of transportation, stating:—

"Consideration of our policy must recognize that there is a fundamental difference in transport by air and transport by other modes, arising from the very nature of the transportation facilities. Aviation is carried on subject to definite limitations as to weight and space which do not apply in surface transportation. Gasoline and operating loads which must be carried vary with respect to seasons, and weather, and the length of trips.

In air transport, mail, passengers and goods are moved simultaneously in the same aircraft. The motive power and carrying capacity are contained in one unit. If a large volume of traffic is offered for immediate transport by air such traffic cannot be moved in one flight, but can only be moved by separate individual plane flights. The same plane may be used for many flights.

It is submitted that these and other differences in transport facilities and conditions may require a different treatment in rate structure for air transport than that ordinarily used for other forms of transport."

He contended that discounts should not be confined to specific movements in restricted areas, and stated the discount arrangement of Canadian Airways Limited is available to a company, its subsidiaries, or its controlled companies, in any are served by it.

Counsel for Wings Limited stated that "discount" is in effect a rebate allowed to a shipper when the volume of business given to the carrier by the shipper in a certain period exceeds a defined sum. He alleged that discount arrangements have the effect of establishing tolls which do not comply with Section 24 of The Transport Act, and are unlawful.

Section 24 reads:—

"(1) All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in like manner over the same route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

(2) No reduction or advance in any such tolls shall be made either directly or indirectly, in favour of or against any particular passenger or shipper.

(3) No toll shall be charged which unjustly discriminates between different localities."

He submitted that the object of the discount arrangement was to attract all the business of a shipper to one carrier, and results in a practice contrary to the

principles of the Transport Act. He stated that it does not apply to traffic or the amount of traffic handled, but to the revenue derived therefrom, which "is a principle unheard of, as far as we know of, in any other transportation business, for it applies on traffic carried at rates on which there may be a widely varying degree of profit, if any at all."

He further stated:—

"Discount provisions are not available to every shipper and, therefore, create undue preference and unjust discrimination. Actually the discount provided by Canadian Airways' tariff creates four classes of shippers, the first who gives the carrier less than \$1,000 of revenue in a month, the second whose business exceeds \$1,000 of revenue, the third whose business exceeds \$2,000 of revenue, and the fourth whose business exceeds \$5,000 of revenue, and I again repeat that the discount is permitted not on the basis of traffic handled, but revenue produced to the carrier.

Obviously, therefore, the shipper who pays carrying charges to the carrier in excess of \$5,000 in any one month receives a preference over each of the other classes, and each one of the other classes who pays the carrier less than \$5,000 a month is discriminated against in an unjust manner.

If the system is permitted to become effective there will be an obvious discrimination and preference between mine operators, traders, storekeepers, in fact between every class of persons who use air transport.

Not only does it apply to one shipper on one route, but by the proposed system the application of a discount is not restricted to the traffic for any particular route, or for any particular shipper, but is available to a shipper who uses the services of Canadian Airways Limited and qualifies as to charges paid in widely separated districts.

If such shipper is in the \$1,000 or better class he then receives a 5 per cent rebate on the aggregate charges paid by him despite the fact that his traffic is carried over two separate and distinct routes on which the rates charged him on the basis of the special tolls now established are not uniformly constructed. On one route the rates may be returning a reasonable profit to the carrier, while the traffic is handled on the other route at a loss, with the possibility that the greater volume of traffic was moved over the latter route."

Counsel for Wings Limited contends there is no fundamental difference in transport by air and other forms of transport, such as would justify any different principles of rate making, as alleged by Counsel for Canadian Airways Ltd.

Counsel for Starratt Airways & Transportation Ltd. opposed the discount arrangement on the ground that it is prohibited under Sections 24 (1) and (2) and 25 (2) (a) of the Transport Act, as being discrimination between persons and shippers, and, in any event, is wrong in principle and without merit. Other reasons given for the position taken by this air carrier are:—

(1) "That the circumstances and conditions prescribed for entitling any person or company to the benefit of such discount are not circumstances and conditions of traffic, but are those dependent on circumstances and conditions having no relation to the traffic."

(2) "If interpreted in the broader sense, then it puts a premium on chain organizations as against the individual shipper at the individual point. The tariff charged is uncertain and cannot at any point or at any time be calculated with certainty."

(3) "The small shipper may get a very much larger discount than his competitor who handles a very much larger quantity of goods and

traffic at the same point, due to the fact that the small shipper may have branches or connections elsewhere taking a large quantity of goods."

(4) "It tends toward monopoly and to unfair competition between the various aircraft companies and their customers."

(5) "The circumstances and conditions must be related to the particular traffic and at the particular point, and to all the traffic at that point, and all must be entitled to like treatment."

(6) "Any contract based upon such discount, assuming such discounts are contrary to the provisions of the Act, are void as the persons or companies holding such contracts can have no property in them. (Crows Nest Pass *vs.* C.P.R., 8 Canadian Railway Cases 33)."

Other features of air transport were referred to by Counsel for the various companies, and have been given consideration, although not herein commented upon.

Mr. T. J. Day, representing the J.M. Consolidated Gold Mines, opposed the discount arrangement of Canadian Airways Limited, particularly the fact that under it another operator in the Red Lake area, owned or controlled by a larger company also operating in other areas, might receive a discount and, although actually having much less traffic than the J.M. Consolidated Gold Mines, would enjoy considerably lower rates.

Mr. B. H. Budgeon, representing the Hammell companies, stated he had been instructed by their directors to record their objection to the discount arrangement. He advised that, while they would benefit from it, it is only logical that a shipper would tie up with one air carrier, in the long run, would destroy honestly-operated competition.

Earlier herein, the tariff provisions with respect to the discount arrangements are set out. They may be commented upon as follows:—

(1) *Canadian Airways Ltd. Tariff, C.T.C. No. 1, Part III, Page 12:*

The discount arrangement of Canadian Airways Limited is available to a company, its subsidiaries, or its controlled companies. Canadian Airways Limited furnish air transport service across Canada, whereas the other air carriers furnish such service within a comparatively restricted area. It is, therefore, possible for the "gross air charges" account of \$1,000, \$2,000 or \$5,000 in any calendar month, in the case of Canadian Airways Ltd., to be made up of the aggregate of a number of accounts in various provinces, no one of which might, by itself, qualify for discount. The other air carriers urged, and we feel with much force, that this would tend towards monopoly and unfair competition between the various air carriers. It seems clearly obvious that, generally speaking, the discount arrangement logically requires the shipper or consignee to give all his traffic to one air carrier in order to obtain the discount. Take a situation where a company and its subsidiaries or its controlled companies in any calendar month have accounts as follows: At point "A," \$700; at point "B," \$200; at point "C," \$100. Actually, no one account qualifies for discount, but collectively they would be allowed a discount of 5 per cent. At point "C," there may be a shipper or consignee with an account of \$900 during the same month, but, having no other affiliation and being \$100 short of the \$1,000 limit, he is not eligible for the discount, although he has furnished the air carrier with nine times the revenue covered by the \$100 account which received the discount. The \$100 account receiving the discount might conceivably consist of merely one round-trip passenger fare, while the \$900 account not receiving the discount might consist of 4,500 pounds of goods, or approximately three plane loads.

Under varying rates, there is a great difference in the quantity of goods which would require to be transported in any calendar month in order to obtain the discount. This is illustrated below:

NUMBER OF POUNDS UNDER POUNDAGE RATES TO PRODUCE REVENUE AS SHOWN BELOW

Rate per Lb.	Discount —		
	\$1,000 5% Pounds	\$2,000 10% Pounds	\$5,000 15% Pounds
\$1.42	704	1,408	3,521
1.00	1,000	2,000	5,000
.50	2,000	4,000	10,000
.25	4,000	8,000	20,000
.15	6,667	13,333	33,333
.10	10,000	20,000	50,000
.05	20,000	40,000	100,000
.03	33,334	66,667	166,667

It will be observed that, under a rate of \$1.42, it only requires 704 pounds to secure a discount of 5 per cent, while, under the rate of 3 cents, the carriage of 33,334 pounds would be necessary to obtain the same discount. Under the \$1.42 rate, 3,521 pounds would secure a discount of 15 per cent, while a discount of only 5 per cent would be secured by the carriage of 33,334 pounds under a 3 cent rate; 20,000 pounds under a 5 cent rate; or 10,000 pounds under a 10 cent rate; and, to secure a 15 per cent discount under the three last mentioned rates, it would require the carriage of 166,667 pounds, 100,000 pounds, and 50,000 pounds, respectively.

Counsel for Canadian Airways Limited alleged there was no unjust discrimination or undue preference under the discount arrangement, because it "will apply equally to all persons and at the same rate for the same volume of traffic in the same period." It is made very clear, from what is above set out, that there is a vast difference between volume of traffic and revenue from traffic, and that the discount arrangement does not, in fact, suitably provide for volume of traffic, and, as applied, is honeycombed with anomalies and inconsistencies.

It was also claimed that the discount was allowed in order to attract as much volume business as possible. No evidence was submitted showing that the discount arrangement has resulted in any increased volume of traffic, and, of course, it would require to be substantially increased to produce the same revenue as obtained under rates not subject to discount.

Canadian Airways Limited stated that volume traffic is normally carried in the same plane or type of plane as the regular traffic. The situation, therefore, is that, under the discount arrangement as applied by that company, there may be carried on the same plane a much greater volume of the same or similar goods for shipper "A" than for "B", notwithstanding which "B" receives a discount from the published rates varying from 5 per cent to 15 per cent, while "A" obtains no discount. This creates a rate inequality with respect to traffic carried under substantially similar circumstances and conditions of from 5 per cent to 15 per cent. It is manifest that the discount arrangement effects a distinction as to persons and not as to the actual class of traffic carried, or, in many instances, the volume. What is stated in the Board's Judgment dated November 10th, 1939, in the matter of tariff regulations of air carriers in respect of plane load lot rates on less than plane load lot shipments for organized business firms, is here apposite.

Starratt Airways & Transportation Limited furnished information showing how merchants and others might be affected by the discount arrangement in some of the communities in the mining district known as Red Lake, Woman Lake and Pickle Lake areas in northwestern Ontario. Some of this information is shown below with respect to Red Lake:—

Altura Gold Mines Limited—This is an independent mining venture and would not qualify for discount.

Clark's Drug Store—An independent operator selling drugs, cigars, tobacco and other usual commodities sold in drug stores, a large number of which are sold in competition to the Hudson's Bay Company also operating at Red Lake. This company would not qualify for any discount, whereas Hudson's Bay Company would, due to its network of trading posts, stores, etc., across Canada.

Charles Davidson—An independent dealer dealing in furniture, radios, etc. He again is in direct competition with the Hudson's Bay Company, and as an independent dealer would not be entitled to discounts.

T. Eaton Co. Limited—Which business is limited and probably would not qualify for any discount, and operates in opposition to Hudson's Bay Company.

Economy Meat Market—Sells meat and groceries, is an independent dealer and is in opposition to Hudson's Bay Company, and would not be entitled to discounts.

Earngold Mines—An independent mine and would not be entitled to discounts.

Hasaga Gold Mines—Has a small amount of transportation by air, but is owned or controlled by the Hammell interests and thereby would be entitled to qualify for discount on all its freight.

Howey Gold Mines—This is a Dominion-wide organization with properties and allied interests in Quebec and British Columbia, and while the business locally done by Howey Gold Mines at Red Lake might not enable it to qualify, its connections across Canada would do so.

Hudson's Bay Company—Would qualify for discounts due to the very large number of trading posts and stores across Canada using air transportation.

Keetch Lumber & Supply Co. Ltd.—Independent, would not be entitled to discounts and competes with Hudson's Bay.

Miner's Cafe—Handles tobaccos, confectionery, etc., and competes with Hudson's Bay Company.

McCuaig Hotel—This hotel would not qualify for discount, but being under the same management as Red Lake Hotel at Red Lake and also the McGillis Hotel at Uchi Lake, the three combined would qualify for discounts.

K. McDougall—An independent who operates a general store in opposition to Hudson's Bay. Would not be entitled to discount.

Rahill Red Lake Mines—An independent mine and would not qualify.

Red Lake Bakery—Independent, would not qualify.

Red Lake Hotel—This, as noted above, is under the same management as the McCuaig Hotel at Red Lake and the McGillis Hotel at Uchi and, therefore, would be entitled to discounts.

Red Lake Meat Market—Independent, would not qualify.

Red Lake Supply Company—Independent merchant selling general merchandise. Would not qualify for discounts.

Sanshaw Mines Limited—Independent mine, which would not qualify for discounts.

Sugar Bowl Cafe—Handles tobacco, etc. Would not qualify for discount, but in competition with others that would.

Val D'Or Mineral Holdings—This mine would not qualify itself, but is owned or controlled by Hammell mining interests and would, therefore, be entitled to discounts on all of its freight.

M. A. Kressall—Independent store, would not be entitled to discount. Competes with Hudson's Bay.

Similar information was furnished with regard to McKenzie Island, Uchi, Lost Bay and Pickle Lake, showing substantially the same conditions, and, no doubt, this is typical of the situation which would prevail at a great many points under the discount arrangement.

Starratt Airways & Transportation Ltd. submitted:—

"... that the foregoing examples demonstrate that the discount scheme if applied would constitute unjust discrimination in a manner that could never be anticipated or controlled, and in view of the fact that transportation charges form such an important item in the laid down cost of goods, running in some cases to as high as one-third of the total cost, discounts would have the effect of forcing out of the field large numbers of independent enterprises now in competition with the chain and larger organizations."

Under the discount scheme, there would be no rate stability. That is to say, in one month, the published rates would apply and in other months rates 5 per cent, 10 per cent or 15 per cent below the published rates. Starratt Airways and Transportation Ltd. furnished a statement of customers' air accounts by months for the period from December 1, 1938, to September 30, 1939. An analysis thereof shows, for example, that one company would pay the published rates during the months of December to May, inclusive, and rates 5 per cent below the published rates for the months of June to September, inclusive. Another company's charges would be 10 per cent below the published rates in December; 15 per cent below in January; 10 per cent below in February, March and April; 5 per cent below in May; 10 per cent below in June, July and August; and 15 per cent below in September. These are typical. It is noted that an account in one month for \$4,986.46 would receive a 10 per cent discount, while another for less than half that amount would receive the same discount. A monthly account of \$23,353.49 would receive no greater discount than an account of \$5,000.

(2) *Supplement No. 1 to Canadian Airways Limited Tariff, C.T.C. No. 1:*

This tariff provision is an exception from the general discount arrangement, and applicable only on the routes therein listed and to traffic chargeable to the account of mining companies operating at or in the vicinity of South Trout Lake, Ont. It applies to the gross annual transportation bill rather than the accounts in any calendar month. It further provides that, in determining the volume of business during any one year for the purpose of arriving at the discount applicable for that year, any fares or express charges paid in cash by employees of the mining company shall be included in the total volume for that year. Counsel for Wings Limited stated, with respect to this, that—

"A further extension of the discount plan is created by Supplement No. 1 to Canadian Airways C.T.C. No. 1, which, in short, allows the charges made to the personnel of a shipper—not for the shipper's account, but for the personnel, the men in the mine, or whatever that shipper may have—but also for the freight and express charges which may be made

to that personnel, and those charges are included in the shipper's charges for the purpose of arriving at the discount offered to the shipper.

A railway company might just as well say to Eaton's, 'Give us your traffic, and we will add in all the revenue taken by us when your personnel travels over our lines, and all the charges they pay for any service we may give them. Add them together, and we would give you a rebate on the total volume of charges we collect from you and your personnel.' I submit that is not reasonable and cannot be justified in such a form on any ground whatsoever, if the principles of the Transport Act are to be complied with and followed."

Taking the minimum amounts which, under this tariff provision, allow discount, it is observed that the average monthly account might be considerably less than required under the provisions of the general discount arrangement. Further, there is a 20 per cent discount where the average monthly account would be \$3,333, whereas, under the general tariff, it requires an account of \$5,000 in any calendar month to obtain a discount of 15 per cent. There is also the feature of allowing the fares and charges paid by employees to be included. In other words, the mining companies at this one point appear to be receiving preferential treatment in the matter of discounts as compared with mining companies at other points.

(3) *Mackenzie Air Service Ltd., Tariff, C.T.C. No. 10, Page 9, Rule 14:*

This is substantially the same as the general discount arrangement of Canadian Airways Limited (No. 1), and no additional comment thereon is necessary.

(4) *Mackenzie Air Service Ltd., Tariff, C.T.C. No. 11:*

It seems plain that this tariff provision has for its sole purpose the securing of the entire traffic of certain companies by granting them a reduction of 15 per cent from the published tariff rates. Mackenzie Air Service Limited made no submissions in this matter of discounts at the sittings of the Board in Edmonton. It later filed a written submission which deals with contract rates, but not discounts. No alleged justification for this tariff provision has been furnished. Counsel for both Canadian Airways Limited and Wings Limited made reference to Section 3 (2) of the Transport Act, and submitted that it contemplated not only the harmonizing of the operations of the different classes of carriers, i.e., by railways, ships and aircraft, but also with respect to the operations of carriers of the same class. How could any such object be accomplished by permitting air carriers to publish tariff provisions under which they have the exclusive right to the carriage of the traffic of certain companies? Does the Transport Act not clearly indicate and provide that there should be equality in the rates of air carriers, and their ability to secure air traffic should be dependent solely upon their standards of service and efficiency, character of personnel, etc.? As this tariff is at present worded, reduced rates thereby provided for would not apply unless the Mackenzie Air Service Limited obtained "the entire traffic" of the said companies. It would seem that such a tariff provision places this company in a very precarious position if it should, in good faith, believe it had received "all" the traffic but some portion of it is transported by another carrier. The letter carrier has immediate knowledge of the inability of Mackenzie Air Service Limited, under the terms of its tariff, to apply the discount, and its allowance would immediately bring Mackenzie Air Service Limited in violation of Section 30 of the Transport Act.

(5) *Mackenzie Air Service Ltd. Tariff, C.T.C. No. 15:*

We have not been furnished with any reasons as to the necessity of making this concession of a discount of 20 per cent on freight carried for Departments

of the Federal Government. However, Section 32 of the Transport Act permits air carriers to carry traffic free or at reduced rates to the same extent as apply in the case of a railway company under the Railway Act. Under Section 345 of the Railway Act, railways may, amongst other things, transport traffic free or at reduced rates for the Dominion Government. The matter is, therefore, one which is within the discretion of the carrier, subject to the powers of the Board under the proviso following Ss. (e) of Section 345.

(6) *M & C Aviation Co. Ltd., Tariff, C.T.C. No. 6:*

This discount arrangement does not purport to be based on volume of business or the amount of the transportation account. It provides a 10 per cent discount on passenger fares and goods carried in connection with the Catholic Missions at Beauval, Ile a la Crosse and Lac la Loche, and the Anglican Church Missions at Lac la Ronge and Stanley; and 5 per cent discount to all licensed traders in connection with their business. Nothing has been submitted to show why these discounts are necessary, or the circumstances surrounding their establishment. We do not know whether there may be missions other than those named who do not receive the discount, and possibly creating discrimination. What is embraced in the term "licensed traders" is not apparent. It seems manifest, however, that much of what is above stated concerning the discount provisions in the tariffs of Canadian Airways Limited is here applicable. There is here again a distinction made as to persons and not as to the actual class or volume of the goods carried, consequently creating a rate inequality with respect to traffic carried under substantially similar circumstances and conditions.

(7) *M & C Aviation Co. Ltd., Tariff, C.T.C. No. 6, Sup. 1:*

This provides for a 10 per cent discount to all licensed fishermen between October 1 and January 31 following in each year. It is subject to the same comments as made above (6).

Counsel for Canadian Airways Limited, in his original submissions, made no reference whatever to a feature not previously referred to herein. He stressed that the discount arrangement had been established as the most practical way to attract volume business. How it works out in this respect has been pretty fully dealt with herein. He omitted to point out that, in the tariffs of the air carriers, there would be found less than plane load lot rates and plane load lot rates, the latter, of course, being lower than the former. The plane load lot rates are based on volume of traffic, the tariffs requiring that to secure them, there must be 1,000 pounds or over shipped at one time to one destination and consignee and on one account, and passenger weights are not included. The discount arrangement is applied to traffic carried under plane load lot rates as well as that handled under less than plane load lot rates. In other words, the discount arrangement provides a further reduction in the published plane load lot rates.

Counsel for Wings Limited referred to the L.C.L. and C.L. rates of the railways as being comparable to the L.P.L. and P.L. rates of the air carriers. Prior to 1919, the Railway Act provided that the tolls for larger quantities may be proportionately less than the tolls for smaller quantities, and, under various decisions of the Board during the early years of its existence, it had recognized and decided that a difference as between less than carload and carload rates was justified. For example, in the Tower Oiled Clothing Company case, in 1904, 3 C.R.C. 417, the Chief Commissioner said:

"There is in point of fact discrimination involved in the difference between C.L. and L.C.L. ratings as authorized generally in all the classifications, operating as it does in favour of the larger and against the smaller shippers, but I think this form of discrimination has never been regarded as unjust discrimination, *has become firmly established by custom and has been tacitly acquiesced in by the different Railway Commissions.*"

In 1919, the Act was amended to provide that the tolls for carload quantities may be proportionately less than the tolls for less than carload quantities, (Section 314(3)). Counsel for Canadian Airways Limited submitted that "in the present Railway Act, Parliament has fixed 'carload quantities' as the *maximum* which is to be considered for taking into account volume in fixing tolls." He further submitted:

"Were it not for the express limitation in the present Railway Act whereby the 'carload' is mentioned as the maximum to be considered, and the practice which had arisen under the former Acts, the Railway Board would, we submit, have discretion to determine what consideration should be given in the way of rates to *larger quantities* or *greater numbers* in railway traffic."

"It is submitted that the provision as to 'larger quantities' and 'greater numbers' in the 1906 Statute and the preceding Statutes was but a confirmation of the truism in traffic matters that larger quantities should receive consideration in rates, and what those 'larger quantities' should be was for the Board to decide by practice and experience."

Following this, he said:

"Now when we come to The Transport Act, passed in 1938, which has to do with *air* transportation, there is no limitation placed upon the treatment of *volume traffic* in so far as rates are concerned, except the good sense of the Board. True, there is no express provision that larger quantities or greater numbers may receive a lower rate, but it is submitted that that is implied in the clauses in the Act, which permit the Board to determine in its sole judgment, as questions of fact—

'Whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Part.' (Section 27).

As stated before, there is no limitation in this Statute as there is in The Railway Act in regard to the maximum quantity upon which discriminatory rates may be fixed.

So that under The Transport Act the Board is not bound by any decisions under The Railway Act which would indicate that the only volume to which consideration in the way of rates may be given, is the carload.

We submit that it would be absurd in air transportation to fix the *plane load* lot as the maximum volume which should be considered as entitling a shipper to a reduced rate by reason of volume, and that is what our opponents have contended for."

Counsel for Wings Limited stated that if, after the filing of tariffs containing rates worked out and agreed upon by the various air carriers, a carrier is permitted to come along and file special tariffs providing for lower rates without showing cause therefor, there is nothing to prevent a competing carrier filing a discount plan which will further enlarge the scale of discounts. He further stated:

"... if the discount system is lawful, which we submit is not the case, there is nothing to prevent this Company, or any other competitor of Canadian Airways Limited filing a tariff which qualifies a shipper for discount on a volume of \$50 per month and gives added discounts for \$75, \$100, and so on ad infinitum. In other words, there is no point at which it can be said that the discrimination and preference

which obviously result from the discount system are just or unjust or undue, but in the case of the plane load lot rating based on a 1,000 pound lot the discrimination is definitely ended, and on the same reasoning and principles that the Board has under the Railway Act acknowledged and confirmed the reasonableness and lawfulness of the carload lot rating so is the plane load lot rating justifiable."

The air carriers have themselves recognized volume of traffic by the establishment of plane load lot rates lower than the less than plane load lot rates. Only one air carrier has contended that "it would be absurd in air transportation to fix the plane load lot rate as the maximum volume which should be considered as entitling a shipper to a reduced rate by reason of volume," and it furnished no evidence in support of its assertion. Other air carriers' views are directly at variance therewith. The references to plane load lot rates have been merely incidental in this proceeding, and it is not necessary in the present case to decide the point mentioned.

Upon what is before the Board on this record, we find that the air carriers publishing these discount arrangements have not discharged the onus under Section 28 of The Transport Act of proving that they do not amount to an undue preference or an unjust discrimination. We also find that they contravene Section 24 of the Act. These discount arrangements (except Mackenzie Air Service Limited Tariff, C.T.C. No. 15) are, therefore, found to be illegal, and are disallowed.

CONTRACT RATES

There were filed with the Board a number of special tariffs publishing rates lower than shown in the tariffs containing what might be termed the normal rates. The companies filing such tariffs were Canadian Airways Limited, Starratt Airways & Transportation Limited, and Arrow Airways Limited. In Appendix "A" hereto, there are set out these special tariffs.

Canadian Airways Limited stated that the rates in its special tariffs are those provided for by contracts or agreements existing as between the carrier and the shipper or consignee. It stated such tariffs are necessary by virtue of special circumstances and conditions connected with the traffic to be moved between the particular points named therein; that these considerations are the following:—

Some contract rates have been fixed in direct competition with ground transport which was available;

Other contracts have been fixed by reason of the fact that ground transport could be made available, in other words, was prospectively available; moreover, there must be borne in mind the prospective competition of a company purchasing and running its own plane;

That, in most cases, contract rates are caused by competitive bidding between carriers, although it could hardly be said that the rate was solely occasioned by reason of competitive bidding, because the rates must take into consideration present or possible ground transport rates;

That, in some cases, the contract rate was the maximum rate on which the traffic could be obtained and necessary in order to permit the shipper to carry out his development program.

Starratt Airways & Transportation Limited stated that for more than three years it had been transporting goods between the points named in its special tariffs at the rates shown therein. It asserts that, if now required to charge higher rates, it would suffer considerable loss of air tonnage, as other means would be developed to handle it by a ground route. Under higher rates, one mine at least would be forced to close down its operations until ground transport methods could be completed, and another large property intimated that, if the present rates were seriously altered upward, it would be forced to procure its own aircraft.

Arrow Airways Limited stated that approximately 90% of the traffic carried between the points named in its special tariff is for two firms. Formerly, this traffic moved by ground transport, the bulk of it during the winter, and it was agreed that, under the rates published by Arrow Airways Limited, they would ship all their year's requirements of supplies by air transport and spread the shipments over the year, so that the carrier could always have some goods on hand to move, and to allow the carrier to move the goods at its convenience (deferred shipments).

It has been the practice of mining companies and others having a large volume of traffic transported by air to call for tenders from two or more air carriers, for the purpose of obtaining the lowest cost of transportation by means of such competitive bidding. Thus, one air carrier has obtained the exclusive carriage of the business for a period, say a year, when there would be a renewal of calls for tenders and the business might be secured by another air carrier for the following year. It is asserted that, under this practice of competitive bidding, air carriers have allowed themselves to become the victims of shippers, and such contracts rates have, in some cases, been reduced to a point where there is doubt as to their being remunerative to the carrier. It appears that the agreements so made—and a number of them have been entered into since the passing of the Transport Act—provide that the shipper agrees to ship exclusively, by the air carrier with whom the agreement is made, all his goods between the points named therein, and also cause all passenger transport by air which he controls to be by said air carrier.

It seems desirable to here briefly set out some of the Board's decisions which are applicable to the provisions of the Transport Act, as well as what the air carriers may do thereunder, with respect to some of the matters which were referred to by the air carriers. Quite a number of the provisions in Part IV of the Transport Act are the same as contained in the Railway Act, consequently the interpretation and decisions of the Board under the Railway Act also apply in connection with those provisions of the Transport Act which are the same. The provisions of Section 23 of the Transport Act are to be found in Sections 329 (4) and 314 (6) of the Railway Act. In connection with Section 24, see Section 314 (1) (2) (4) of the Railway Act. Section 26 of the Transport Act; see Section 325 (1) Railway Act. Section 27 Transport Act; see Section 317 (1) Railway Act. Section 28 Transport Act; see Section 319 Railway Act. Section 29 Transport Act; see Section 320 Railway Act.

Section 27 of the Transport Act deals with discrimination, and provides that:—

“The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Part.”

With respect to the words “under substantially similar circumstances and conditions,” the Board stated that the Act:—

“leaves it open to consider, in reference to the making of charges, all circumstances and conditions that appear applicable, whether directly relating to the carriage or the service given by the Railway Company or not.” 4 C.R.C., 259, at p. 268.

With respect to discrimination, the Board has said:—

“The Railway Act, as I understand it, authorizes and justifies discrimination. It is only an undue, unfair, or unjust discrimination that the law is aimed against.” 11 C.R.C., 370.

“Discrimination may or may not fall within the provisions of the Act. The Act, as it has always been interpreted by the Board, only forbids discrimination when it is undue or unreasonable.” 38 C.R.C., 77.

"In dealing with the question of discrimination, the matter of detriment, if any, to which the applicant is subjected by the alleged unjust discrimination or undue preference must be considered. Difference in rates is discrimination; but the prohibitions of the Railway Act in regard to discrimination are prohibitions of unjust discrimination or undue preference, and the question is whether the discrimination amounts to an unjust discrimination or undue preference." 38 C.R.C., 77.

"One criterion of unjust discrimination is whether the district or individual alleged to be discriminated in favour of has profited at the expense of the locality against which it is alleged the discrimination has taken place. Where no evidence was submitted that any rate advantage possessed by a competitor had rendered it more difficult for the applicant company to do business, the allegation of unjust discrimination was held to be unfounded." 38 C.R.C., 77.

From the above, and many other cases not quoted, the position is that the question of whether unjust discrimination in rates exists is a matter to be dealt with in the light of the particular facts and the various circumstances found to exist in each case.

Competitive rates to meet various forms of competition have been under review in a great many cases, and the Board has stated:—

"So far as water competition is concerned, it has been recognized over and over again in various decisions of this Board that the extent to which water competition shall be met is in the discretion of the railway. The Board has also held that it is not the privilege of the shipper to demand less than normal rates because of such competition, unless the railway, in its own interest, chooses to meet it. This principle of water competition has also been recognized practically by all rate-regulating commissions. (Canadian Oil Co's. vs. G.T., C.P., and C.N.R. Co's., 12 C.R.C., 351; and Blind River Board of Trade Case, 15 C.R.C., 146.)

"The Board has also held that it is in the discretion of the railway whether it shall or shall not make rates to meet the competition of markets. The same principle applies here as in the case of water competition.* (Montreal Board Produce Merchants' Association vs. G.T.R. and C.P.R. Co's., 9 C.R.C., 232; and B.C. Sugar Refining Co. vs. C.P.R., 10 C.R.C., 171)." 38 C.R.C., 326.

"The matter, therefore, presents itself as an application to compel continuance of a competitive rate, and on this point the Board is on record in many decisions. It has frequently expressed the view that, subject to the provisions of the Act regarding discrimination, it is within the discretion of the railway companies to meet water competition, but that the railway companies are not to be compelled to put in or maintain rates to meet such water competition." 40 C.R.C., 235.

With respect to the jurisdiction and powers of the Board, as well as what the carriers may do in the matter of reducing rates to assist industry (apart from their reasonableness *per se*), or to equalize, through the prescription of reduced rates, production costs, the Board has stated:—

"A railway company is not called upon so to adjust its rates that the shipper will always be able to carry on his business at a profit. The rate is only one item in the shipper's costs. The obligation of the railway company is to charge a reasonable rate. It is not called upon, through the reduction of the rate, to guarantee that the business will be carried on at a profit. In other words, the needs of the business and the way in which it is carried on are not the measure of the reasonableness of

the rate. (*Western Retail Lumbermen's Association vs. Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Rly. Co's.*, 20 C.R.C., 158). 43 C.R.C., 97.

"The Board has indicated that in the matter of rates, for example, its function is concerned with complaints as to unreasonableness or as to unjust discrimination, and that it is not empowered to put in rates simply to develop traffic; that is to say, the Board is not empowered by Parliament to act as an arbiter of industrial policy. If it were so empowered, there would need to be explicit words; and if such a power were conferred, the Board would then be able to pass upon the question whether an industry should be allowed to develop in one section or another. No such power has been conferred. The railway, subject to the inhibitions as to unjust discrimination, may give a reduced rate basis to develop traffic. It takes the responsibility of the profit or loss in connection with the transaction. The Board, under the Railway Act, has no profit or loss responsibility, and its intervention in the matter of rates must, as has been indicated, be concerned with matters falling within the broad categories of reasonableness and unjust discrimination, and not with a policy of developing industries through rate adjustments." 31 C.R.C., 396.

The Board's position with respect to agreements has been frequently set out, and citations from some of its decisions follow:—

"The Railway Act requires that under substantially similar conditions the tolls charged shall be equal to all persons, and at the same rate, whether by weight, mileage, or otherwise, and any reduction or advance either directly or indirectly is expressly prohibited. No undue or unreasonable preference or advantage can be permitted to any person or company. The object of the legislation is to place every one upon terms of absolute equality, and if agreements were permitted to be entered into for reduction in tolls or for other preferential treatment, the door would be opened wide for the defeat of the Act, and the Board would be called upon to struggle with all sorts of conditions, opinions, and complications in the determination of such cases." 8 C.R.C., 33, at p. 41.

"This Board is, of course, not bound by a contract which a railway company and an individual may enter into if it appears to us to be in contravention of the Railway Act." 16 C.R.C., 276.

"It is a well settled rule that this Board is not bound by private agreements between parties." 24 C.R.C., 378.

"The Railway Act, further, does not contemplate rates being fixed by agreement. The Board's jurisdiction over rates is not shared by one conferred upon municipalities. On the other hand, agreements between individual shippers and railways and separate municipalities or localities must inevitably tend to defeat the object of the Act, which is to secure as far as possible a just and reasonable basis of charge free from discrimination." 23 C.R.C., 106.

"It could not surely have been the intention of Parliament in passing Section 315 of the Railway Act to permit railway companies to create different circumstances and conditions by entering into a contract with some one and so defeat the intentions of the section. The 'circumstances and conditions' which if not substantially similar may justify different treatment to different points, I think must be traffic circumstances or traffic conditions; not circumstances and conditions which may be artificially created by contract." 11 C.R.C., 380.

In *Increase in Rates Case*, the Board stated:—

"When the *Regina Rate Case* was decided railway revenues were buoyant and expenses normal. The Canadian Northern Manitoba Agree-

ment was there considered. The application of the Regina Board of Trade was based on discrimination. To meet that issue, the Railway Companies relied on the agreement. The Assistant Chief Commissioner held that discrimination could not be excused under any agreement, and ordered the removal of discrimination by the extension of the Manitoba basis to adjoining Prairie territory."

"The question for the Board to determine is whether, in the light of the above facts, effect ought to be given to the Manitoba Agreement. If effect be given to the Manitoba Agreement, practically no rate increases can be made in western territory, where the great bulk of the Canadian Northern's business is carried on.

Should the usual practice as between parties to commercial contracts be followed and if it be the duty of the Board to consider the agreement as a pure matter of law, and having regard only to the contracting parties and not to public conveniences and necessity, it well may be that the mere fact that the rate called for by the agreement constitutes an insufficient remuneration for the service rendered and may result in actual insolvency, constitutes of itself no ground for relief.

If a builder agrees to do certain work for an inadequate consideration, his loss or its amount is no answer to his contractual liability.

Distinctions, however, between the contractor on the one hand, and railway companies on the other, are readily apparent. The contractor's charges are not subject to Government or Commission control. The railway company's charges are. The contractor is subject to no duty to the public. The railway company is. Public necessity and service constitute a direct justification for railway construction and railway company incorporation. Moreover, in case the contractor obtains under his agreement an excessive remuneration, that fact of itself is no bar to his enforcing his agreement and collecting the last cent of his consideration. On the other hand, the Board is not bound by any contract under which railways may be entitled to an unreasonably large rate, but reduces that rate to whatever it finds just and reasonable.

Under any other practice, traffic officers of the companies, could from time to time, in many cases make special contracts with shippers at unfairly high rates, or, on the other hand, give favoured shippers unduly low rates.

In either instance, the object of the Act, which is to secure uniformity just as much as reasonableness in rates, would be defeated.

An unduly low rate constitutes an unreasonable rate, just as much as an unduly high one, and the question of whether a rate is unduly low or unduly high can only be established with a knowledge of the cost entailed by the service, which must from time to time vary.

It has been stated that railway company directors are charged with duties and trusts, first, to the public; second, to the company's employees; and third, to the company's shareholders.

I would place the duty to the public, involving as it does proper and sufficient transportation, as being the duty of primary importance.

The mere fact that an agreement, in the light of changed circumstances, proves improvident and provides rates insufficient to enable the company's property to be properly kept up and to meet the current demands of transportation, and also involves loss to the shareholders, is not an answer to the company's primary obligation to properly operate the road.

It may well be that an agreement made by the directors elected by the shareholders cannot be set aside on the application of the shareholders themselves; but, on the other hand, it is clear that no agreement

ought to stand in the way of the public as a whole obtaining the full benefit of that measure of transportation, which a properly maintained condition of the company's facilities would permit.

Further, an improvident contract made by one company is not merely of injury to itself and that portion of the public using its line—Parliament has so authorized railway construction that the line of one company or another parallels those of others to such an extent that in many instances an unreasonably low rate reserved by contract made by one company must be adopted by the other line. As a result, the other companies are just as much injured as is the company to the contract, and by an act over which they have not the slightest control.

It is also apparent that an agreement which reserves an unremunerative rate applicable in the one district, involves a discrimination as against other districts where traffic and operating conditions are similar, and directly infringes on the provisions of the Act requiring uniformity in rates.

The Board does not consider any agreement made by a shipper to pay a given rate any justification for the rate if it be unreasonably high. On the same principle, when rates reserved by contract prove, in the face of changed conditions and increased costs, unreasonably low, the rates must be made reasonable, notwithstanding the contract." 22 C.R.C., 49.

These decisions of the Board were, of course, given prior to the passing of The Transport Act, 1938, in Part V of which there are provisions enabling a carrier to make an agreed charge for the transport of the goods of any shipper: Provincial that any such agreed charge shall require the approval of the Board.

The rates here under consideration, however, have not been submitted to the Board in accordance with the procedure prescribed in Part V, but are contained in the regularly published tariffs of the carriers, and these rates ought, therefore, to be governed by the principles stated in the Judgments cited.

It should be obvious that an agreement for reduced rates, made solely for the purpose of taking traffic away from another regulated air competitor, without any other justification, and providing that the carrier with whom such agreement is made shall enjoy the exclusive carriage of the entire traffic of the shipper or consignee, does not comply with the principles referred to above.

The Board's decision herein with respect to discounts will make some of the provisions of certain agreements inoperative.

General representations only were made to the Board in the matter of contract rates. We were not furnished with the detailed information concerning these rates which would be necessary to enable us to make any finding regarding them. They are set out in Appendix "A."

The Board will expect the air carriers to readjust any rates not in conformity with the principles above set out. If any specific application or complaint is launched with the Board in relation to any of the carriers' rates, the Board will follow its usual procedure and make an investigation, and, if necessary, hold hearings with regard thereto.

APPENDIX "A"

SPECIAL TARIFFS CONTAINING RATES PROVIDED FOR BY
CONTRACTS OR AGREEMENTS*Arrow Airways Limited Tariff, C.T.C. No. 10*

Between	And	Rate per Pound
Sherridon	Pukatawagan	in Cents
Flin Flon	Pellican Narrows	2.5
		2.75

NOTE.—The above special rates apply only where the shipments are consigned to or from a person, firm or corporation carrying on the business of a general store, trading for fish, fur or other produce, and who does:—

- 1—Ship between the points noted herein, either way, by air in our aircraft all supplies moved in connection with the operation of such business;
- 2—Allow Arrow Airways to move such supplies at their convenience when aircraft and space in aircraft is available.

Starratt Airways & Transportation Limited Tariff, C.T.C. No. 7

Special Competitive Freight Tariff applying on commodities for carriage by aircraft between the points listed herein, governed, except as otherwise provided, by regulations for carriage issued by Starratt Airways & Transportation Ltd., C.T.C. No. 2, page 11, paragraph 11, part (b) only, Supplements thereto, or successive issues thereof. Rates in cents per pound.

Between	And	P.L.L. Rate
Gold Pines	Uchi Lake	.02
	Jackson Manion	.02

Starratt Airways & Transportation Limited Tariff, C.T.C. No. 8

Special Competitive Freight Tariff applying on commodities for carriage by aircraft between the points listed herein, governed, except as otherwise provided, by regulations for carriage issued by Starratt Airways & Transportation Ltd., C.T.C. No. 2, page 11, paragraph 11, part (b) only, Supplements thereto, or successive issues thereof. Rates in cents per pound.

Between	And	P.L.L. Rate
Pickle Lake	Hudson	.05
	Sioux Lookout	.05

Canadian Airways Limited Tariff, C.T.C. No. 14

Special Passenger and Goods Tariff

Rates on Minimum Annual Volume for one account of 100,000 pounds with guaranteed back-haul equal to one-third the northbound volume between airports at points listed herein, governed except as otherwise provided, by regulations for carriage issued by Canadian Airways Limited, C.T.C. No. 1, Supplements thereto, or successive issues thereof. Rates expressed in cents per pound—

Between	And	Rate
Edmonton, Alta.	Labine Point	43
McMurray, Alta.	Labine Point	35½
Smith, N.W.T.	Labine Point	27½
Yellowknife, N.W.T.	Labine Point	19½

Rates between Labine Point and other points in Mackenzie River District shall be calculated in same ratio according to mileage as the rate Edmonton-Labine Point, plus 10 per cent, plus cost of gasoline and oil involved in excess of 50 cents per gallon for gasoline and \$1.35 per gallon for oil.

Above tolls exempt from discount. Passengers chargeable by weight and included in total volume.

Canadian Airways Limited Tariff, C.T.C. No. 17

Special Goods Tariff

Tolls applying on shipments of Alcoholic Liquors only between airports at points listed herein, governed, except as otherwise provided, by Regulations for Carriage issued by Canadian Airways Limited, C.T.C. No. 1, Supplements thereto, or successive issues thereof. Rates in cents per pound—

From	To	Rate
Prince Albert, Sask.	Goldfields	27
	Yellowknife	45
Goldfields, Sask.	Yellowknife	21

The above tolls exempt from discount.

Canadian Airways Limited Tariff, C.T.C. No. 18

Special Goods Tariff

Applying on Supplies for the use of Mining Companies shipped between airports at points listed herein, governed, except as otherwise provided, by Regulations for Carriage issued by Canadian Airways Limited, C.T.C. No. 1, Supplements thereto, or successive issues thereof. Rates in cents per pound—

From	To	Rate
Ilford, Man.	God's Lake	7½
	Sachigo	14½
God's Lake, Man.	Sachigo	7

Special rate on Empty Oxygen and Acetylene Cylinders, handled as space available.

God's Lake, Man.	Ilford	\$3.00 each
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The above tolls exempt from discount.

Canadian Airways Limited Tariff, C.T.C. No. 19

Special Goods Tariff

Rates on shipments of Precipitates, carried as space permits between airports at points listed herein, governed, except as otherwise provided, by Regulations for Carriage issued by Canadian Airways Limited, C.T.C. No. 1, Supplements thereto, or successive issues thereof. Rates in cents per pound—

From	To	Rate
South Trout Lake, Ont.	Berens River,	3
	Lac du Bonnet	3
	Red Lake	2

The above tolls subject to Discount on the Gross Bill per calendar month as provided by Regulations for Carriage, C.T.C. No. 1.

Canadian Airways Limited Tariff, C.T.C. No. 20

Special Goods Tariff

Applying on Supplies for the use of Mining Companies shipped between airports at points listed herein, governed, except as otherwise provided, by Regulations for Carriage issued by Canadian Airways Limited, C.T.C. No. 1, Supplements thereto, or successive issues thereof. Rates in cents per pound—

From	To	Rate
Doghole Bay	Pickle Lake	1½

The above toll subject to Discount on the Gross Bill per calendar month as provided by Regulations for Carriage, C.T.C. No. 1.

In the matter of "Discounts from Monthly Transportation Accounts" and "Contract Rates" by Air Carriers subject to the Transport Act, 1938.

File 42274

STONE, COMMISSIONER (Dissenting):

Inauguration of commercial transportation by aircraft as a public utility is of very recent development, pioneered and financed principally by private enterprise. It is a new venture, gradually becoming stabilized, but still in its infancy and it does not compare at the present time with the long-established railway development and practices in effect at the time the Railway Commission was constituted in 1904. The decisions which the Commission was later called upon to render deal exclusively with railway matters, some of which are cited in the majority Judgment.

Railways operate principally on an advance cash or cash-on-delivery basis for transportation service rendered, but this method it appears is not at present applicable to all air transportation services. Evidence submitted in this case indicates the difficulties experienced by private air transportation companies in their efforts to commercially develop unorganized territory, a large proportion of which is non-competitive in Northwest Canada. Certain air transportation companies introduced a system of discounts, varying in percentages, based on payment within thirty days of date of invoice, collectable from each patron regardless of territory served. This method, it is alleged, has become an integral part of some contracts and rate structures and developed unfair and unjust discrimination between the competitive air transportation companies operating in the same territory.

The majority Judgment makes provision for continuation of Mackenzie Air Service Limited Tariff C.T.C. No. 15 which contains a provision for 20 per cent discount, as the following is cited:—

"(5) Mackenzie Air Service Ltd. Tariff, C.T.C. No. 15

We have not been furnished with any reasons as to the necessity of making this concession of a discount of 20 per cent on freight carried for Departments of the Federal Government. However, Section 32 of the Transport Act permits air carriers to carry traffic free or at reduced rates to the same extent as apply in the case of a railway company under the Railway Act. Under Section 345 of the Railway Act, railways may, amongst other things, transport traffic free or at reduced rates for the Dominion Government. The matter is, therefore, one which is within the discretion of the carrier, subject to the powers of the Board under the proviso following ss. (e) of Section 345."

No such provision has been made in regard to any other tariff involving "discounts" as it is specifically stated.

"Upon what is before the Board on this record, we find that the air carriers publishing these discount arrangements have not discharged the onus under Section 28 of The Transport Act of proving that they do not amount to an undue preference or an unjust discrimination. We also find that they contravene Section 24 of the Act. These discount arrangements (except Mackenzie Air Service Limited Tariff, C.T.C. No. 15) are, therefore, found to be illegal, and are disallowed."

If "discounts" can be considered as legal for one class, or for one shipper, then similar provision should be made to all other patrons using the same method of transportation.

At the Winnipeg hearing on October 10, 1939, the evidence shows that "discounts" became an integral part of air transportation contracts, and in at

least two cases transfer of private planes also was included in the terms which extended over a period of years, and if cancelled it was alleged one of the contracting parties would suffer. Request was made of the presiding members of the Board that no change be authorized in the present contracts without giving parties thereto the opportunity to appear before the Board on these separate contracts, to which the presiding Commissioner later stated:—

“The DEPUTY CHIEF COMMISSIONER: We will not cancel any contract unless properly considered.”

I realize that contracts consummated subsequent to the effective date the Transport Act was made applicable should be in conformity with that Act. However, I understand other contracts exist which were made prior to that time.

From the evidence submitted to the Board it appears to me that with regard to Air Transportation Contracts as they now exist, and in the interest of commercial and mining development of the northern sections of Canada, that further investigation should be made in each case before any portion of these contracts is annulled by the Board, and as ruled by the presiding Commissioner at the hearing in Winnipeg.

In my opinion arrangements should be made between the contracting parties within sixty days to reopen contracts and mutually adjust them to conform with the requirements of The Transport Act, and if it develops that differences of opinion arise between the contracting parties, all the facts should be submitted to the Board which can then deal with each case as consistently and practically as it is possible under the various operating conditions to bring about uniformity in rate structure.

December 26, 1939.

In the matter of “Discounts from Monthly Transportation Accounts” and “Contract Rates” by Air Carriers, subject to The Transport Act, 1938.

File No. 42274

GARCEAU, DEPUTY CHIEF COMMISSIONER:

I do not take exception to the summary of the different submissions or arguments presented to the Board at the hearing of this case in Winnipeg, contained in the Judgment signed by the Assistant Chief Commissioner, Commissioners Stoneman and MacPherson, which is not the Judgment of the majority of the Commissioners who sat at the hearing; my objections concern the conclusions reached regarding discount rates; (1) because such decision has a bearing on most of the contracts which were not to be affected or cancelled unless a special hearing on such contracts took place, as promised at the hearing in Winnipeg; (2) because discount rates as special rates are not, in my view, in contravention of the dispositions of The Transport Act.

The hearing was in the nature of an investigation to inform the Board of the general rate structure and of its application, in order to enable the Board, through this knowledge, to direct a revision or amendments which would make this rate structure or its application in accord with the dispositions of the Transport Act and of the Railway Act, but only as mentioned in Section 32 of the Transport Act, or if deemed more appropriate, to have a new hearing on specific cases where all circumstances, conditions, would be developed and studied.

The so-called contract rates are in fact general freight rates, and the so-called discount rates are special rates computed from the general freight rates on a percentage basis; when the amount of freight charges in a calendar month is \$1,000 or over, 5 per cent; \$2,000 or over, 10 per cent; \$5,000 or over, 15 per cent.

It is immaterial, in my opinion, whether such special rates are specifically determined or are computed by a percentage reduction of the general freight rate, such percentage computation being accepted by the Judgment signed by the members of the Board above mentioned, MacKenzie Air Service, Ltd., Tariff C.T.C. No. 15. The discount is 20 per cent.

There are no dispositions in The Transport Act prohibiting that a determined volume of traffic, carried in a given period of time, be granted a reduced rate lower than the planeload rate provided the dispositions of Subsections 1 and 3 of Section 24 of the Act are not infringed.

The limitation contained in Subsection 3 of Section 314 of the Railway Act is absent from The Transport Act; such omission is evidence that rates lower than the planeload rates could be valid.

I would ask the air carriers issuing the so-called discount rates to revise those tariffs, allowing the percentage reduction not on account of the amount of freight paid but on account of a determinate volume of traffic carried in a calendar month; the dispositions of Subsections 1 and 3 of Section 24 of the Transport Act to be complied with.

With the inclusion of the above stated considerations and reasons, I agree with the statements and conclusions of Mr. Commissioner Stone's Judgment.

December 28, 1939.

ORDER No. 58472

In the matter of "Discounts from Monthly Transportation Accounts" and "Contract Rates" by air carriers subject to The Transport Act, 1938.

File No. 42274

WEDNESDAY, the 3rd day of January A.D., 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Upon hearing the matter at the sittings of the Board held in Saskatoon, September 20, Edmonton September 21, and Winnipeg October 10, 1939, in the presence of Counsel for and representatives of M & C Aviation Company Limited, Canadian Airways Limited, Mackenzie Air Service Limited, Peace River Airways Limited, Wings Limited, Arrow Airways Limited, Starratt Airways & Transportation Limited, Eldorado Mines, Territories Exploration Co. Limited, J. M. Consolidated Gold Mines, and Hammell Companies, and what was alleged—

It is ordered that the provisions in regard to discounts in the following tariffs, namely:—

Canadian Airways Limited

Tariff C.T.C. No. 1, Part III, page 12
 Supplement No. 1 to Tariff C.T.C. No. 1

MacKenzie Air Service Limited

Tariff C.T.C. No. 10, page 9, Rule 14
 Tariff C.T.C. No. 11

M & C Aviation Company Limited

Tariff C.T.C. No. 6
 Supplement No. 1 to C.T.C. No. 6

be, and they are hereby, disallowed.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58399

In the matter of the application of the M & C Aviation Company Limited, hereinafter called the "Applicant," to amend Licence No. C.T.C. (A.T.) 14 so as to add Meadow Lake, Pine River, Clear Lake, and Buffalo River, in the Province of Saskatchewan, to the points between which passengers and goods may be transported; and to change the name "Beauval" to read "La Plonge/Beauval."

File No. 42007.9

FRIDAY, the 15th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
 J. A. STONEMAN, *Commissioner.*

Whereas, by Order No. 57363, dated May 1, 1939, the Applicant was granted a licence to transport passengers and/or goods between Big River, Dore Lake, Beauval, Ile a la Crosse, Buffalo Narrows, Lac la Loche, which points and places were named by the Governor in Council under Order in Council P.C. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the said Order in Council P.C. 569 has been rescinded and the following points and places have been named by the Governor in Council under Order in Council P.C. 3995, dated December 5, 1939, namely:—

Big River, Meadow Lake, Dore Lake, La Plonge/Beauval, Ile a la Crosse, Pine River, Clear Lake, Buffalo River, Buffalo Narrows, Lac la Loche, in the Province of Saskatchewan—

Now therefore it is ordered: That Licence No. C.T.C. (A.T.) 14 be, and it is hereby, amended, effective October 27, 1939, by striking out the following words on page 2 of the said licence:—

"Big River, Dore Lake, Beauval, Ile a la Crosse, Buffalo Narrows, Lac la Loche, Province of Saskatchewan;
 upon the following schedule of service *weekly*—between Big River, Dore Lake, Beauval, Ile a la Crosse, Buffalo Narrows; *monthly*—between Ile a la Crosse, Buffalo Narrows, Lac la Loche, as an extension of the weekly service herein described";

and substituting in lieu thereof the following words:—

“Big River, Meadow Lake, Dore Lake, La Plonge/Beauval, Ile a la Crosse, Pine River, Clear Lake, Buffalo River, Buffalo Narrows, Lac la Loche, in the Province of Saskatchewan; upon the following schedule of service *weekly*—between Big River, Dore Lake, Ile a la Crosse, Pine River, Clear Lake, Buffalo Narrows; with *monthly* calls at—Meadow Lake, La Plonge/Beauval, Buffalo River, Lac la Loche.”

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58400

In the matter of the application of the M & C Aviation Company Limited, hereinafter called the “Applicant,” to amend Licence No. C.T.C. (A.T.) 15 so as to add Rottenstone Lake and Foster Lakes, in the Province of Saskatchewan, to the points between which passengers and goods may be transported.

File No. 42007.9.1

FRIDAY, the 15th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas by Order No. 57389, dated May 5, 1939, the Applicant was granted a licence to transport passengers and/or goods between Prince Albert, Montreal Lake, Lac la Ronge, Souris River, Sulphide Lake, Dog Lake, Hepden Lake, Stanley, which points and places were named by the Governor in Council under Order in Council P.C. 569, dated March 14, 1939, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the said Order in Council P.C. 569 has been rescinded and the following points and places have been named by the Governor in Council under Order in Council P.C. 3995, dated December 5, 1939, namely:—

Prince Albert, Montreal Lake, Lac la Ronge, Sulphide Lake, Dog Lake, Hepden Lake, Stanley, Souris River, Rottenstone Lake, Foster Lakes, in the Province of Saskatchewan—

Now therefore it is ordered: That Licence No. C.T.C. (A.T.) 15 be, and it is hereby, amended, effective October 27, 1939, by striking out the following words on page 2 of the said licence:—

“Prince Albert, Montreal Lake, Lac la Ronge, Souris River, Sulphide Lake, Dog Lake, Hepden Lake, Stanley, Province of Saskatchewan; upon the following schedule of service *weekly* between Prince Albert, Montreal Lake, Lac la Ronge, Stanley, with calls at Dog Lake, Sulphide Lake, Hepden Lake, whenever required. Every second and fourth week to Souris River”;

and substituting in lieu thereof the following words:—

“Prince Albert, Montreal Lake, Lac la Ronge, Sulphide Lake, Dog Lake, Hepden Lake, Stanley, Souris River, Rottenstone Lake, Foster Lakes, in the Province of Saskatchewan; upon the following schedule of service *weekly* between Prince Albert, Montreal Lake, Lac la Ronge, Stanley, with calls at Dog Lake, Sulphide Lake, Hepden Lake, whenever required. Every second and fourth week to Souris River. *Monthly* to Foster Lakes and Rottenstone Lake.”

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58405

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

SATURDAY, the 16th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Supplement No. 64 to Tariff C.T.C. No. E.1244, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of sub-section 3 of Section 3 of the said Act: the Canada & Gulf Terminal Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Canada & Gulf Terminal Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 64 to Tariff C.T.C. No. E.1244, approved herein, are as follows:—

From	Cents per 100 pounds	
	Billed	Normal
Priceville, Que.	2½	3
Mallory, Que.		
Crawford, Que.		
Metis Beach, Que.		
Plourde, Que.		
Baie des Sables, Que.	4½	5½
Lepage, Que.		
Tartigou, Que.		
Riviere Blanche, Que.		
Petite Blanche, Que.		
St. Leandre, Que.		
Matane, Que.		

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58406

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

SATURDAY, the 16th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Supplement No. 80 to Tariff C.T.C. No. E.1244, filed by the Canadian National Railways, under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 80 to Tariff C.T.C. No. E.1244, approved herein, are as follows:—

Index	Cents per 100 pounds	
	Billed	Normal
4913 Gray Valley, Que.	6	7½
4915 Rockway, Que.		
4919 Lac Remi, Que.		
5377 Dalkeith, Ont.		

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58407

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

SATURDAY, the 16th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 80 to Tariff C.T.C. No. E.1244, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Canada & Gulf Terminal Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Canada & Gulf Terminal Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 80 to Tariff C.T.C. No. E.1244, approved herein, are as follows:—

From	Cents per 100 pounds	
	Billed	Normal
Priceville, Que.	2½	3
Mallory, Que.		
Crawford, Que.		
Metis Beach, Que.		
Plourde, Que.		
Baie des Sables, Que.	4½	5½
Lepage, Que.		
Tartigou, Que.		
Riviere Blanche, Que.		
Petite Blanche, Que.		
St. Leandre, Que.		
Matane, Que.		

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58415

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 18th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and

they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 57 to Tariff C.T.C. No. E.1247
 Supplement No. 64 to Tariff C.T.C. No. E.1829
 Supplement No. 26 to Tariff C.T.C. No. E.2448
 Supplement No. 28 to Tariff C.T.C. No. E.2474
 Supplement No. 38 to Tariff C.T.C. No. E.2526
 Supplement No. 25 to Tariff C.T.C. No. E.2629
 Tariff C.T.C. No. E. 3175

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58420

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 19th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
 G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in items 81 and 312 of Supplement No. 59 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 81 and 312 of Supplement No. 59 to Tariff C.T.C. No. 1006, approved herein, are as follows:—

Item	Cents per 100 pounds
81 To Halifax, N.S.	} 30½
Yarmouth, N.S.	
312	4th class rates covered by previous order or orders.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58422

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 20th day of December, A. D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
 G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 13 to Tariff C.T.C. No E.4790, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 13 to Tariff C.T.C. No. E.4790, approved herein, are as follows:—

Item	From Stations taking Eastbound Rate Groups H, K and L, listed in Canadian Freight Association Tariff C.T.C. No. 1165		
	Cents per 100 pounds		
	H	K	L
200B L.C.L.	502	512	515½
C.L.	317	323½	326
1620B	217	221½	223
1621	281	286½	288½

From Dominion Atlantic Railway stations, one and one-half cents per 100 pounds to be deducted account of water haul.

HUGH WARDROPE,
Asst. Chief Commissioner.

ORDER No. 58423

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 20th day of December, A. D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No 24 to Tariff C.T.C. No. E.4645, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 24 to Tariff C.T.C. No. E.4645, approved herein, are as follows:—

To	Cents per 100 pounds
Cap de la Madeleine, Que.	27½
Clara Belle, Ont.	41½
Copper Cliff, Ont.	41½
Drummondville, Que.	26½
Edmundston, N.B.	24
Farnham, Que.	27
Joliette, Que.	27½
Kingston, Ont.	32½
Montreal, Que.	27½
Ottawa, Ont.	27
Quebec, Que.	24½
St. Hyacinthe, Que.	26½
St. George, N.B.	24½
St. Johns, Que.	26½
Sherbrooke, Que.	27½
Toronto, Ont.	33
Trois Rivières, Que.	27½
Valleyfield, Que.	29½
Ville Marie, Que.	41½

One and one-half cents per 100 pounds to be deducted account of water haul.

HUGH WARDROPE,
Asst. Chief Commissioner.

File No. 34822.13

WEDNESDAY, the 20th day of December, A. D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in item 2 of Supplement No. 30 to Tariff C.T.C. No. 986, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the said Company's proportion to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportion of the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 2 of Supplement No. 30 to Tariff C.T.C. No. 986, approved herein, is—

	Cents per 100 pounds
Billed	11.4
Normal	14.2

HUGH WARDROPE,
Asst. Chief Commissioner.

ORDER No. 58438

In the matter of the application of North Shore Airways Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 1 and Standard Goods Tariff C.T.C. No. 2, on file with the Board under file No. 42017.12.

FRIDAY, the 22nd day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 1 and Standard Goods Tariff C.T.C. No. 2 of North Shore Airways Limited, effective December 20, 1939, on file with the Board under file No. 42017.12, be, and they are hereby, approved.

HUGH WARDROPE,
Asst. Chief Commissioner.

ORDER No. 58440

In the matter of the Order of the Board No. 57859, dated August 21, 1939, approving Agreed Charge No. 3 between the rail carriers and the oil companies named in the said Order, covering the transportation of petroleum products, in carloads, in tank cars only, from refineries and marine terminals in Ontario (also Hull and Hull West, Quebec) to points in the Province of Ontario (also Hull and Hull West, Quebec).

File No. 40994.3

FRIDAY, the 22nd day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Whereas the White Star Refining Company, Limited, has made application under the provisions of subsections 6 and 7 of Section 35 of The Transport Act, 1938, and represented to the Board that its business will be unjustly discriminated against unless the same charge be fixed for the transport of its petroleum products from Sarnia, Ontario, and has expressed its willingness to meet and comply with the provisions and conditions of the existing Agreed Charge;

And whereas the railway, as defined in Agreed Charge No. 3, has stated it has no objection to the Board fixing the charge applied for—

It is therefore ordered:

1. That the railway, as defined in Agreed Charge No. 3, shall establish a charge covering shipments of the petroleum products named in the agreement, in carloads, in tank cars only, from Sarnia, Ontario, by the White Star Refining Company, Limited, to points in the Province of Ontario (also Hull and Hull West, Quebec).

2. That the charge shall be that published in Agreed Charge Tariff C.T.C. (A.C.) No. 3, and subject to the other provisions and conditions attaching to the said Agreed Charge No. 3.

3. That the same be made effective forthwith by supplementary schedule to Agreed Charge Tariff C.T.C. (A.C.) No. 3, and to expire upon the same date as Agreed Charge No. 3.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58444

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.15

TUESDAY, the 26th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 25 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 25 to Tariff C.T.C. No. 194, approved herein, are as follows:—

To	Cents per ton of 2,000 lbs.
Newcastle Creek, N.B.	37½
Minto, N.B.	75
Chipman, N.B.	(2) 35
“	(4) 37½
“	110
Fredericton, N.B.	(5) 115
“	135
Edmundston, N.B.	(9) 125
“	140
North Devon, N.B.	(5) 115
“	135
Tinker, N.B.	210
Farnham, Que.	(2) 275
“	280
Stanbridge, Que.	300
Staynerville, Que.	330
Fassett, Que.	330
Gatineau, Que.	350
St. Vincent de Paul, Que.	295
Terrebonne, Que.	295
Trois Rivières, Que.	250
Pont Rouge, Que.	250
Berthierville, Que.	295
Cap de la Madeleine, Que.	250
Almonte, Ont.	345
Temiskaming, Que.	415
Hawkesbury, Ont.	350
Valleyfield, Que.	320
Beauharnois, Que.	320
Rouyn, Que.	445
Noranda, Que.	445
Eustis, Que.	295
East Angus, Que.	280
Dudswell, Que.	275
Coleraine, Que.	345
Black Lake, Que.	340
Thetford Mines, Que.	345
East Broughton, Que.	345
Ste. Marie, Que.	325
St. Modeste, Que.	300
Whitworth, Que.	290
St. Honore, Que.	290
Vauban, Que.	290
Cabano, Que.	260
Notre Dame du Lac, Que.	250
Clairs, N.B.	250
Connors, N.B.	250

The Temiscouata Railway Company's proportions to be reported as shown below, the Canadian Pacific Railway Company the balance.

To	Cents per ton of 2,000 lbs.	
	Billed	Normal
St. Modeste, Que.	130	160
Whitworth, Que.	150	150
St. Honore, Que.	150	150
Vauban, Que.	110	140
Cabano, Que.	100	120
Notre Dame du Lac, Que.	90	110
Clairs, N.B.	90	110
Connors, N.B.	90	110
Timmins, Ont.		580

For explanation of reference marks refer to Supplement No. 25 to tariff.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58445

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

TUESDAY, the 26th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in 8th revised page 23 of Tariff C.T.C. No. E.4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said 8th revised page 23 to Tariff C.T.C. No. E.4757, approved herein, are as follows:—

Item		Cents per 100 pounds
205	To Montreal, Que.	54
	Toronto, Ont.	63
235	From	Cents per ton of 2,000 lbs.
	Saint John, N.B.	360
240	Fairville, N.B.	170
	St. John, N.B.	150
	St. Stephen, N.B.	350
245		Cents per 100 pounds
		Group 1 Group 2
		9 8
Item		Cents per ton of 2,000 lbs.
247	. . . . .	295
250	. . . . .	160
		Cents per 100 pounds
265	. . . . .	72½
280	C.L.	56½
	L.C.L.	72½
295	To Saint John, N.B.	15
	Riviere du Loup, Que.	88

One and one-half cents per 100 pounds to be deducted on traffic from Dominion Atlantic Railway stations account of water haul.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58446

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

TUESDAY, the 26th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in item 4 of Supplement No. 18 to Tariff C.T.C. No. 1040, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the said Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 4 of Supplement No. 18 to Tariff C.T.C. No. 1040, approved herein, are as follows:—

Item	From		Cents per 100 pounds	
			Billed	Normal
4	Windsor, N.S.	To Saint John, N.B. . .	16.7	20.9
	Weston, N.S.		15.0	18.8
	Kingsport, N.S.		16.7	20.9
	Coldbrook, N.S.		15.7	19.6
	Waterville, N.S.		14.8	18.5
	Wilmot, N.S.		9.7	12.1
	Middleton, N.S.		9.8	12.3
	Bridgetown, N.S.		7.7	9.6

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58447

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.2

WEDNESDAY, the 27th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 81 to Tariff C.T.C. No. E.1244
Supplement No. 34 to Tariff C.T.C. No. E.1256
Supplement No. 41 to Tariff C.T.C. No. E.2047
Supplement No. 39 to Tariff C.T.C. No. E.2526
Supplement No. 7 to Tariff C.T.C. No. E.2804
Supplement No. 1 to Tariff C.T.C. No. E.3158

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58448

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 27th day of December, A. D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 57 to Tariff C.T.C. No. E.2248, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions

of subsection 3 of Section 3 of the said Act: the Canada & Gulf Terminal Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Canada & Gulf Terminal Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 57 to Tariff C.T.C. No. E.2248, approved herein, are as follows:—

To	Cents per ton of 2,000 lbs.	
	Billed	Normal
Priceville, Que.	60	75
Matane, Que.	110	137.5

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58449

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

WEDNESDAY, the 27th day of December, A. D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 57 to Tariff C.T.C. No. E.2248, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act; the Canadian Pacific Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Canadian Pacific Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 57 to Tariff C.T.C. No. E.2248, approved herein, are as follows:—

From	To	Cents per ton of 2,000 lbs.	
		Billed	Normal
Springhill Jct., N.S.	McAdam, N.B.	95	119
Sydney, N.S.	Magog, Que.	203	234

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58450

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.2

WEDNESDAY, the 27th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 57 to Tariff C.T.C. No. E.2248, filed by the Canadian National Railways under Section 3 of the

Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Dominion Atlantic Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 57 to Tariff C.T.C. No. E.2248, approved herein, are as follows:—

From	Cents per ton of 2,000 lbs.	
	Billed	Normal
Maccan, N.S. }	To Lower Truro, N.S.	70 87.5
Springhill Jet., N.S. }		
Coalburn, N.S. }		
Stellarton, N.S. }		
Thorburn, N.S. }		
Westville, N.S. }		

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58451

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act:

File No. 34822.2

WEDNESDAY, the 27th day of December, A.D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 57 to Tariff C.T.C. No. E.2248, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act: the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 57 to Tariff C.T.C. No. E.2248, approved herein, are as follows:—

To	Cents per ton of 2,000 lbs.	
	Billed	Normal
St. Modeste, Que.	70	90
St. Honore, Que.	90	110
Vauban, Que.	110	140
Cabano, Que.	100	120
Notre Dame du Lac, Que.	90	110
Claire, N.B.	90	110
Connors, N.B.	90	110

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58455

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 28th day of December, A. D. 1939.

HUGH WARDROPE, *Asst. Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Tariff C.T.C. No. 1117, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1117, approved, herein, are as follows:—

From	To	Cents per 100 pounds
Windsor, N.S.	Montreal, Que.	24
Windsor, N.S.	Sherbrooke, Que.	
One and one-half cents per 100 pounds to be deducted account of water haul.		

HUGH WARDROPE,

Assistant Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, NOVEMBER, 1939

Railway accidents	93 with 14 killed and 140 injured
Railway accidents at highway crossings	25 with 5 killed and 42 injured
Total accidents	118 with 19 killed and 182 injured
	Killed Injured
Passengers.	— 48
Employees.	4 84
Others.	15 50
Total	19 182

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

Accidents K. I.

NOVA SCOTIA

- | | | | |
|---|---|---|---|
| 1 | — | 1 | Automobile—Automobile ran into side of standing train. Licence, N.B. 7-692. |
| 1 | — | 2 | Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence not obtained. |
| 1 | — | 4 | Automobile—Automobile ran into side of train. Licence, N.S. 21-624. |
| 1 | — | 3 | Automobile—Track motor car struck automobile. Licence, N.S. 62-940. |
| | | | QUEBEC |
| 1 | — | 1 | Auto truck—Auto truck driver failed to heed bell and wigwag signals; drove on to crossing in front of approaching train and was struck. Licence, Que. F-16-183. |
| 1 | — | 1 | Automobile—Auto driver disregarded signal given by Montreal Tramways' watchman with red lantern, and was struck by train. Licence, Que. 76-692. |
| 1 | — | 1 | Auto truck—Auto truck failed to stop for crossing; struck by train. Licence, Que. 3652. |
| 1 | — | 5 | Automobile—Automobile ran into side of train. Licence, Que. 108-585. |
| 1 | 2 | — | Automobile—Automobile ran into side of engine. Licence, Que. 85068. |
| 1 | — | 1 | Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Que. X-2162. |
| 1 | — | 3 | Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Que. 16403. |

ONTARIO

- 1 — 4 Automobile—Automobile ran into side of train. Licence, Ont. 4-L-793.
 1 — 1 Automobile—Automobile ran into side of train. Licence, Ont. 28-P-64.
 1 2 — Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 225-Y-1.
 1 — 2 Automobile—Automobile ran into side of train. Licence, Ont. 21-C-42.
 1 — 1 Automobile—Automobile ran into side of train. Licence, Ont. W-8354.
 1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 59-W-85.
 1 — 2 Automobile truck—Automobile truck ran into side of train. Licence, Ont. 58069-C.
 1 — 1 Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 55084-C.
 1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 40-D-11.

MANITOBA

- 1 — 3 Automobile—Automobile struck by the engine tender. Licence, Man. 21-162.
 1 — 1 Auto truck—Auto truck ran into side of train. Licence, Man. C-1070.

SASKATCHEWAN

- 1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Sask. 2-236.

ALBERTA

- 1 1 — Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Alta. 25-875.
 1 — 2 Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Alta. PSV-612. T-4685.

Of the 25 accidents at highway crossings, 21 occurred at unprotected crossings and 4 occurred at protected crossings.

Thirteen of the accidents occurred after sunrise, and 12 occurred after sunset.
 December 27th, 1939.

SUMMARY OF ORDERS ISSUED BY BOARD

58334. Dec. 1—Authorizing City of Prince Rupert, B.C., to construct bridge across C.N.R. at Morse Creek.
 58335. Dec. 2—Approving Traffic Agreement between Bell Telephone Co. and La Compagnie de Telephone Rurale de Ste. Sabine, Que.
 58336. Dec. 1—Declaring C.N.R. crossing of Reid St., Peterboro, Ont., protected to Board's satisfaction, speed limit of 10 miles an hour to be maintained.
 58337. Dec. 2—Permitting C.N.R. and C.P.R. to file Supplements to Tariffs C.T.C. E-2474 and E-4795 to be effective on three days' notice.
 58338. Dec. 2—Authorizing installation of unloading racks, etc., of Imperial Oil Company on property of Cadomin Coal Co. Ltd., adjacent to C.N.R. at Cadomin, Alta.
 58339. Dec. 4—Amending Trans-Canada Air Lines Licence C.T.C. (A.T.) 3 to add Moncton, N.B., to points between which passengers and goods may be transported.
 58340. Dec. 4—Authorizing the issuing of Licence to Wings Limited for transportation between Kenora, Red Lake, Ont., and intermediate points.
 58341. Dec. 4—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway under Section 9.
 59342. Dec. 4—Authorizing C.N.R. to operate over subway at Ste. Marguerite Street, Montreal, Que.
 58343. Dec. 4—Authorizing C.N.R. to operate over subway at Notre Dame Street, Montreal, P.Q.
 58344. Dec. 4—Permitting L. E. Kipp, Agent, to supplement his tariff C.T.C. No. 732 effective on five days' notice, to correct error.
 58345. Dec. 4—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Railway under Section 9.
 58346. Dec. 4—Authorizing C.P.R. to operate under subway constructed at Ste. Marguerite St., Three Rivers, P.Q.

- 58347. Dec. 5—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian National Railways under Section 3.
- 58348. Dec. 4—Authorizing C.N.R. to operate under overhead highway bridge at mileage 3·99 Drummondville Subdivision, Que.
- 58349. Dec. 5—Authorizing C.P.R. to construct branch line to serve Davies-Irwin Co. Ltd., Mount Royal, Que.
- 58350. Dec. 6—Permitting C.N.R. to publish on one day's notice Revised Page in Tariff E-2115, to correct error.
- 58351. Dec. 5—Authorizing C.P.R. to use and operate bridge over Portneuf River at mileage 125·9, P.Q.
- 58352. Dec. 6—Authorizing C.P.R. to construct two branch lines of railway to serve Murray Collieries Ltd., south of Red Deer River at East Coutlee, Alta.
- 58353. Dec. 6—Declaring C.P.R. crossing south of station at Brome, Que., protected to Board's satisfaction, speed limitation of 10 miles an hour to be maintained.
- 58354. Dec. 6—Approving abandonment of operation of C.N.R. spur tracks serving Canada Wire & Cable Co. Ltd. at Leaside, Ontario.
- 58355. Dec. 6—Authorizing D.A.Rly. to construct branch line to serve Berwick Fruit Product Ltd., Berwick, N.S.
- 58356. Dec. 6—Authorizing C.N.R. to reconstruct shelter at Albany, N.S.
- 58357. Dec. 7—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
- 58358. Dec. 7—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the C.P.R. under Section 9.
- 58359. Dec. 7—Approving under Maritime Freight Rates Act tolls published by C.P.R. under Section 9.
- 58360. Dec. 7—Approving abandonment of operation of C.N.R. street car line in Oshawa, Ont.
- 58361. Dec. 7—Cancelling Licence No. C.T.C. (W.T.) 23 to Reginald Arthur Carter.
- 58362. Dec. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Section 3.
- 58363. Dec. 8—Declaring Central Vermont Ry. crossing north of Stanbridge station, Que., protected to Board's satisfaction.
- 58364. Dec. 8—Declaring C.N.R. crossing of Steel Street, Port Colborne, Ont., protected to Board's satisfaction.
- 58365. Dec. 8—Authorizing C.N.R. to use and operate bridge over T.H. & B.Ry. Co's tracks at Hamilton, Ont.
- 58366. Dec. 8—Declaring C.P.R. crossing of William Street, Smiths Falls, Ont., protected to Board's satisfaction.
- 58367. Dec. 8—Relieving C.N.R. from erecting and maintaining fences on Bulkley Subdivision, B.C.
- 58368. Dec. 8—Relieving C.N.R. from maintaining fences on its Telkwa Subdivision, B.C.
- 58369. Dec. 8—Approving reconstruction of C.P.R. bridge 10·44, Southampton Subdivision, N.B.
- 58370. Dec. 8—Approving Bell Telephone Co's Supplement 1 to Service Station Contract with the Victory Telephone Limited.
- 58371. Dec. 8—Approving Bell Telephone Co's Agreement with the La Compagnie de Telephone de Warwick.
- 58372. Dec. 9—Approving Bell Telephone Co's Appendix "A" to Traffic Agreement with the Gravel Telephone System.
- 58373. Dec. 9—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Section 3.
- 58374. Dec. 9—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Section 3.
- 58375. Dec. 9—Authorizing the C.P.R. to construct branch line of railway to serve the Masonite Company of Canada, Ltd., Gatineau, P.Q.
- 58376. Dec. 9—Approving installation of unloading pipe lines, etc., of North Star Oil Limited near C.P.R. at Granum, Alta.
- 58377. Dec. 9—Amending Order 57559 of June 5, 1939, *re* removal of station agent at Keene, Ont.
- 58378. Dec. 11—Declaring C.N.R. crossing west of Kinburn station protected to Board's satisfaction.
- 58379. Dec. 11—Amending Order 56551, Oct. 18, 1938, *re* C.P.R. subway at Main Street, Coaticook, Que., etc., *re* cost thereof.
- 58380. Dec. 11—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Section 3.
- 58381. Dec. 11—Amending Order 56663, November 10, 1938, *re* location of unloading rack, etc., and firewall between motor and pump of British American Oil Co. Ltd., near C.N.R. at Vermilion, Alta.
- 58382. Dec. 12—Amending Order 56722, November 21, 1938, *re* location of storage tanks, etc., between pump and motor of British American Oil Co. Ltd., on C.N.R. at Unity, Alberta.

- 58383. Dec. 12—Approving less than standard clearance over No. 3 track at Alyth, Calgary, Alta., C.P.R.
- 58384. Dec. 12—Approving location of unloading rack, etc., of Dominion Oxygen Co. Ltd., Hochelaga yard, C.P.R., Montreal, Que.
- 58385. Dec. 13—Declaring C.N.R. crossing of Pine Street, Dunnville, Ontario, protected to Board's satisfaction.
- 58386. Dec. 13—Approving Bell Telephone Co's Traffic Agreement with the Southwold and Dunwich Telephone Ass'n Ltd.
- 58387. Dec. 13—Approving installation of unloading rack, etc., of British American Oil Co. Ltd., at Creston, B.C., near C.P.R.
- 58388. Dec. 13—Approving installation of unloading rack, etc., of Imperial Co. Ltd., near C.P.R., at Choiceland, Sask.
- 58389. Dec. 14—Declaring C.N.R. crossing of Arthur Street, Harriston, Ont., protected to Board's satisfaction.
- 58390. Dec. 14—Declaring C.N.R. crossing of St. Jean St., west of Charny station, protected to Board's satisfaction.
- 58391. Dec. 14—Declaring C.P.R. crossing of highway north of Ponoka station, Alta., protected to Board's satisfaction.
- 58392. Dec. 14—Permitting C.N.R. to remove station building at Becquets, Que., Sorel Subdivision.
- 58393. Dec. 14—Approving location of C.N.R. shelter at Upham, N.B.
- 58394. Dec. 15—Authorizing the issuing of Licence to Mackenzie Air Service Ltd. for transportation between Peace River, Alta., and Yellow Knife, N.W.T., and intermediate points.
- 58395. Dec. 14—Dismissing application of Peace River Airways Ltd., for Licence.
- 58396. Dec. 15—Dismissing application of Arrow Airways Ltd. for Licence for transportation by aircraft.
- 58397. Dec. 15—Dismissing application of Canadian Airways Ltd. for Licence for transportation by aircraft.
- 58398. Dec. 15—Dismissing application of Wings Limited for Licence for transportation by aircraft.
- 58399. Dec. 15—Amending licence of M & C Aviation Co. Ltd. C.T.C. (A.T.) 14, etc., to add certain points between which passengers and goods may be transported.
- 58400. Dec. 15—Amending licence of M & C Aviation Co. Ltd. C.T.C. (A.T.) 15 so as to add certain points between which passengers and goods may be transported.
- 58401. Dec. 15—Declaring C.N.R. crossing north of Allandale station, Barrie, Ont., protected to Board's satisfaction.
- 58402. Dec. 15—Declaring C.N.R. crossing north of Padoue station, Que., protected to Board's satisfaction.
- 58403. Dec. 15—Declaring C.N.R. crossing of Monkland Blvd., St. Laurent, Que., protected to Board's satisfaction.
- 58404. Dec. 15—Permitting Town of Noranda, Que., to construct sidewalk across C.N.R. and Nip. Central Rys. at Second Avenue.
- 58405. Dec. 16—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Sec. 3.
- 58406. Dec. 16—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Sec. 3.
- 58407. Dec. 16—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Sec. 3.
- 58408. Dec. 16—Approving abandonment of operation of C.N.R. siding between Cons. 1 and 2, Twp. Humberstone, Ont., serving Northern Construction Co. Ltd.
- 58409. Dec. 16—Approving installation of storage tanks, etc., of British American Oil Co. Ltd., on C.N.R., at Spruce Lake, Sask.
- 58410. Dec. 16—Dismissing application of M & C Aviation Co. Ltd. for Licence for transportation by aircraft.
- 58411. Dec. 16—Dismissing application Canadian Airways Ltd. for Licence for transportation by aircraft between Prince Albert, Sask., and Flin Flon, Man.
- 58412. Dec. 18—Authorizing R.M. of Three Lakes, Sask., to construct a diversion of highway to cross C.N.R. at mileage post 39.7 Meskanaw Subdivision, Sask.
- 58413. Dec. 18—Exempting C.P.R. from maintaining cattle guards at highway crossing at M. 23.6 and 29.94, Belleville Subdivision, Ont.
- 58414. Dec. 18—Authorizing the Municipality of the Village of Maxville, Ont., to construct public crossing over C.N.R. at M. 91.3, Alexandria Subdivision.
- 58415. Dec. 18—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Canadian National Railways under Section 3.
- 58416. Dec. 18—Authorizing the Dept. of Roads of Quebec to construct highway crossing over C.P.R. on Highway No. 11 at mileage 49.25, Ste. Agathe Subdivision, at Degrosbois, Tp. of Ivry sur le Lac, Co. Terrebonne, Que.
- 58417. Dec. 18—Approving less than standard clearance of N.Y.C. (M.C.R.) at warehouse of John Deere Plow Co. Ltd., Welland, Ontario.
- 58418. Dec. 18—Authorizing C.N.R. to operate over subway at Main St., Coaticook, Que.

- 58419. Dec. 19—Declaring C.N.R. crossing of highway at mileage 63.59, Oxford Subdivision, N.S., protected to Board's satisfaction.
- 58420. Dec. 19—Approving under Maritime Freight Rates Act tolls published in Items 81 and 312 of Supplement 59 to Tariff C.T.C. 1006, filed by the Dominion Atlantic Railway under Section 9.
- 58421. Dec. 19—Declaring C.N.R. crossing of Frank Street, Wiarton, Ont., protected to Board's satisfaction.
- 58422. Dec. 20—Approving under Maritime Freight Rates Act tolls published in Supplement 13 to Tariff C.T.C. E-4790, filed by the C.P.R. under Section 9.
- 58423. Dec. 20—Approving under Maritime Freight Rates Act tolls published in Supplement 24 to Tariff C.T.C. E-4645, filed by C.P.R. under Section 9.
- 58424. Dec. 20—Approving Bell Telephone Co's Traffic Agreement with the La Compagnie de Telephone de Piopolis.
- 58425. Dec. 20—Declaring Sydney & Louisburg Ry. crossing of Main Street in the Town of Glace Bay, N.S., protected to Board's satisfaction.
- 58426. Dec. 20—Declaring D.A.Ry. crossing of Port Williams Road, mileage 51.41, Halifax Subdivision, N.S., protected to Board's satisfaction.
- 58427. Dec. 20—Approving under Maritime Freight Rates Act tolls published in Item 2 of Supplement 30 to Tariff C.T.C. 986 filed by Dominion Atlantic Ry. under Sec. 9.
- 58428. Dec. 20—Authorizing Esquimalt & Nanaimo Ry. to construct branch line to serve Canadian Collieries (Dunsmuir) Ltd. at M.67, Vancouver Island, B.C., and approving clearances.
- 58429. Dec. 20—Authorizing Dept. Public Works of Alberta to construct a highway crossing over C.N.R. north half Sec. 15-61-7 W 4M., Mileage 26.8, Bonnyville Subdivision, Alta.
- 58430. Dec. 21—Declaring C.N.R. crossing on King Street, Hamilton, Ont., satisfactorily protected, speed limitation of 10 miles an hour to be maintained.
- 58431. Dec. 21—Approving abandonment of operation of siding serving Dufferin Properties, Ltd., Mowat Avenue, Toronto, Ont.
- 58432. Dec. 21—Declaring T.H. & B. crossing of Wentworth Street, Hamilton, Ont., protected to Board's satisfaction.
- 58433. Dec. 21—Declaring C.N.R. crossing south of Hawkesbury, Ont., mileage 19.9, satisfactorily protected, speed limitation of ten miles an hour to be maintained.
- 58434. Dec. 21—Declaring C.N.R. crossing of Strachan Ave., Toronto, Ont., protected to Board's satisfaction.
- 58435. Dec. 21—Approving installation of additional storage tank etc., of Shell Oil Co'y, M.146.1, Fraser Subdivision near C.N.R. at Prince George, B.C.
- 58436. Dec. 21—Declaring C.N.R. crossing of Provincial Highway No. 5 at mileage 54.5, Yorkton Subdivision, Sask. protected to Board's satisfaction.
- 58437. Dec. 19—Authorizing T.H. & B. and the C.N.R. to operate trains through interlocking plant at Diltz, Ont.
- 58438. Dec. 22—Approving Standard Passenger Tariff No 1 and Standard Goods Tariff No. 2 of North Shore Airways, Limited.
- 58439. Dec. 21—Rescinding several Orders *re* Montreal Tramways Company's track on George V Avenue, Montreal East, Que., which has been abandoned.
- 58440. Dec. 22—Establishing a charge in Agreed Charge No. 3 on shipments of petroleum products from Sarnia, Ont., to points in Ontario (also Hull and Hull West, Que.), by White Star Refining Co. Ltd.
- 58441. Dec. 22—Rescinding Order No. 11157 of July 12/10, and 21243 of Jan. 21/14, re whistling of locomotive steam engines operating within limits of City of Winnipeg, Man.
- 58442. Dec. 22—Authorizing the T. H. & B. Ry. Co. to operate under bridge carrying the line of Dundurn St., Hamilton, Ont., over its tracks.
- 58443. Dec. 26—Approving installation of unloading rack, etc., of North Star Oil Ltd. near C.P.R. at High River, Alta.
- 58444. Dec. 26—Approving under Maritime Freight Rates Act tolls published in Supplement No. 25 to Tariff C.T.C. 194 filed by Fredericton & Grand Lake Coal & Rly. Co. under Section 9.
- 58445. Dec. 26—Approving under Maritime Freight Rates Act tolls published in Tariff C.T.C. E.4757 filed by C.P.R. under Section 9.
- 58446. Dec. 26—Approving under Maritime Freight Rates Act tolls published in Supplement 18 to Tariff C.T.C. 1040, filed by Dominion Atlantic Ry. under Section 9.
- 58447. Dec. 27—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian National Railways under Section 3.
- 58448. Dec. 27—Approving under Maritime Freight Rates Act tolls published in Supplement 37 to Tariff C.T.C. E.2248, filed by Canadian National Railways under Section 3.
- 58449. Dec. 27—Approving under Maritime Freight Rates Act tolls published in Supplement 57 to Tariff C.T.C. E.2248, filed by Can. National Rlys. under Section 3.

- 58450. Dec. 27—Approving under Maritime Freight Rates Act tolls published in Supplement 57 to Tariff C.T.C. E.2248 filed by Canadian National Railways under Section 3.
- 58451. Dec. 27—Approving under Maritime Freight Rates Act tolls published in Supplement 57 to Tariff C.T.C. E.2248 filed by Canadian National Railways under Section 3.
- 58452. Dec. 27—Authorizing C.N.R. to construct new siding across highway M.13.50, Springhill Subdivision, East Mines, N.S.
- 58453. Dec. 28—Approving Bell Telephone Co's Appendix "A" to Traffic Agreement with East Middlesex Telephone Co. Ltd.
- 58454. Dec. 28—Authorizing C.P.R. to operate its engines, cars, etc., over siding from main lead of Toronto Harbour Commissioners in Railway Reserve centre of Unwin Ave. into lands of Joy Oil Co., Ltd., Toronto, Ont.
- 58455. Dec. 28—Approving under Maritime Freight Rates Act tolls published in Tariff C.T.C. 1117 filed by Dominion Atlantic Ry. under Section 9.
- 58456. Dec. 28—Approving Bell Telephone Co's Supplement No. 1 to Service Station Contract with the Sydney Telephone Co. Limited.
- 58457. Dec. 28—Declaring P.M.R. crossing of highway west of Blenheim station (Gravel St.) Ont., protected to Board's satisfaction.
- 58458. Dec. 29—Declaring C.P.R. crossing of Lakeport Road west of Colborne station, Ont., protected to Board's satisfaction.
- 58459. Dec. 29—Amending Order 58333, Nov. 30, 1939 *re* protection at Highway 69, north of Bala, Ont., C.P.R. M.116.10 MacTier Sub. (*re* apportionment of cost).
- 58460. Dec. 29—Approving Bell Telephone Co's Appendix "A" to Traffic Agreement with Peoples Tel. Co. of Forest, Ltd.
- 58461. Dec. 29—Declaring C.N.R. crossing of Lacroix St., Chatham, Ont., protected to Board's satisfaction.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

OTTAWA, FEBRUARY 1, 1940

No. 23

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Consideration of the question of the protection to be provided at the second crossing south of Yorkton Station, Saskatchewan (Broadway Street), Mileage 24.8 Yorkton Subdivision, of the Canadian National Railways.

File 27467.64.

Heard at Melville, Sask., September 19th, 1939.

JUDGMENT

STONE, COMMISSIONER:

Following an accident that occurred at this crossing on October 6th, 1937, the Municipal Council of the City of Yorkton, Saskatchewan, requested the Board to consider replacement of the crossing bell with some warning device that would be more efficient.

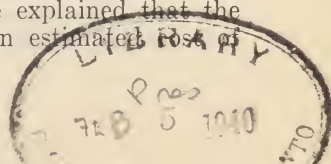
Officers of the Board who were assigned to investigate the accident and the efficiency of the present protection recommended the installation of standard bell-and-wigwag signals to replace the present crossing bell. This recommendation was submitted to the City Council of Yorkton and to the Canadian National Railways for their consideration.

Differences of opinion developed as to allotment of costs for installation and maintenance of any additional type of warning signals. Two members of the Board personally inspected this crossing on September 18th, 1939, and the case was heard the following day at Melville, Saskatchewan.

At the hearing the City of Yorkton was represented by A. A. Stewart, City Solicitor; Charles Peaker, Mayor; H. M. Bailey, City Engineer, and H. M. Jackson, City Clerk; the Canadian National Railways by D. O. Owens, K.C. and A. MacGillivray, District Engineer.

Those appearing on behalf of the applicant explained the danger created at the crossing and referred to the non-observance by highway traffic to the ringing of the crossing bell, which continually gave false warning. They emphasized their objections to the installation of bell-and-wigwag protection, but favoured the "Stop-and-go" type of signal or electric red and green lights on both sides of the highway, provided no costs were allocated to the City.

Counsel for the Railway Company contended that any danger created at the crossing is due to increased highway traffic, and if additional protection is necessary, it should be provided by the Municipality. He explained that the present protection was installed about the year 1922 at an estimated cost of



\$600.00. The railway's proportion of this was \$360.00 or 60 per cent and he understood that the City of Yorkton paid the balance. If the City desired "Stop-and-go" sign protection similar to that now in operation at Saskatoon, Sask., the railway officers were willing to confer with representatives of the City on matters of costs.

The City Solicitor explained that some of the City records were not available, but his instructions were that the City had not contributed to the present form of protection but they were willing to again meet with the representatives of the Railway, with the object of reaching a mutual agreement.

The Board decided to reserve Judgment and to allow the parties to forward written submissions of any agreements reached. These are now on file.

The Railway Company's submission as to costs for bell-and-wigwag signals shows an estimated cost of \$3,315.00 while for erection of the rotary type disc equipped with alternate flash lights, the cost is estimated at \$3,477.00, with maintenance charges of from \$300.00 to \$350.00 per annum, for each type of installation.

Traffic on Highways No. 10 and No. 14 entering and leaving the City of Yorkton, pass along Broadway Street over the intersection with the Canadian National Railways. This crossing is at present protected by cross-buck signs, stop signs and operation of a bell which depends on the clearing of home signals located 900 feet north, and 100 feet south of the crossing.

Approaching the crossing on the highway from the east, buildings on the north side of Broadway Street obstruct the view to the north until within approximately 50 feet of the crossing, at which point there is a view for almost 1,500 feet, provided no cars are standing on the side track; the view to the south is also obstructed until a point approximately 100 feet from the crossing is reached, where the view to the south is clear for 1,200 feet, provided the side track is clear of cars.

Approaching from the west, buildings on both sides of the street and cars standing on the spur leading to the power house north of the crossing obstruct the view in both directions.

A traffic census as filed with the Board from 24.00 o'clock, September 15th, to 24.00 o'clock, September 16th, 1939, shows train and highway movements over the crossing as follows:—

Trains.....	17
Pedestrians.....	2,412
Motor Vehicles.....	3,130
Wagons.....	168
Bicycles.....	680

Traffic movements are more frequent between 8 a.m. and 11 p.m. than during the other hours.

The most efficient and economical device for crossing protection has been a controversial question for years and the matter of new devices is one of constant study by both the Engineering and Operating Departments of the Board, in addition to other highly technical and well qualified organizations appointed to deal with this important question.

In 1924 the Canadian Engineering Standards Association appointed a Committee on Traffic Signals for Highways. This Committee composed of representatives from the Board of Railway Commissioners, the Provinces of the Dominion and the two major railway systems of Canada, and of which the Board's Chief Engineer was then Chairman, recommended in 1926, in its final draft of "Specifications for Traffic Signals for Highways" after much discussion,

"At crossings where traffic warrants the provision of a signal indicating the approach of a train, the standard type of signal shall be of the so-called bell-and-wigwag type."

Further investigation and reports received by the Board from its officers and in pursuance of the powers vested in the Board under Sections 256 and 287 of the Railway Act and all other powers possessed by the Board in that behalf, General Order of the Board No. 468 issued under date of March 12th, 1929, amending General Order No. 96, dated November 11th, 1912. This Order provided for bell and illuminated wigwag signal to be controlled and operated automatically by the approach of trains in such a manner that only approaching trains should operate the signal.

Since the issue of Order No. 468 the wigwag illuminated signal has been generally regarded as the accepted standard for grade crossing protection in Canada and approved by the Railway Association of Canada and by various organizations and Municipalities.

In consideration of all that is involved and having regard to the desire of the City of Yorkton and of the Railway Company that the Board should authorize a contribution from the funds assigned to the Board for distribution for Grade Crossing protection; I am of opinion that double bells and wig-wag signals should be installed at Broadway Street at the intersection with the Canadian National Railways; these signals to face the direction of highway traffic and be bonded to the railway tracks in such manner as will give ample warning and eliminate all false operation; or if not bonded, to be manually operated by the watchman in the tower.

That seventy per cent (70%) be granted from Special Fund No. 585 towards the cost of installation, not to exceed however the sum of \$2,321.00; the balance together with maintenance charges to be divided in the proportion of 60 per cent by the Canadian National Railways, and 40 per cent by the City of Yorkton.

Plans of the proposed installation to be submitted to the Engineering Department of the Board for approval; Order to go accordingly.

OTTAWA, December 19th, 1939.

The Deputy Chief Commissioner concurred.

ORDER No. 58564

In the matter of the consideration of the question of the protection to be provided at the crossing of Broadway Street by the Canadian National Railways in the City of Yorkton, Province of Saskatchewan, mileage 24·8 Yorkton Subdivision.

File No. 27467.64

FRIDAY, the 19th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the matter at the sittings of the Board held at Melville, Saskatchewan, September 19, 1939, in the presence of Counsel for and representatives of the City of Yorkton and the Railway Company, and what was alleged—

It is ordered:

1. That, within ninety days from the date of this Order, the Canadian National Railways install double bells and wigwags at the crossing of Broadway Street, in the City of Yorkton, Province of Saskatchewan, mileage 24·8 Yorkton Subdivision, in accordance with the Standard Specifications for Highway Crossing

Signals approved under General Order No. 468, dated 12th March, 1929, as amended by General Orders numbered 521 and 553, dated, respectively, 2nd November, 1933, and 26th March, 1936; a detail plan showing the layout thereof to be submitted for the approval of an Engineer of the Board.

2. That, with the approval of the Governor in Council by Order in Council P.C. 163, dated 17th January, 1940, seventy per cent of the cost of installing the said bells and wigwags, not exceeding, however, the sum of \$2,320.50 be paid out of the fund appropriated for the purpose under Department of Transport Vote No. 585, Special Supplementary Estimates 1939-40; and that the remainder of such cost, as well as the cost of maintenance, be borne and paid in the proportion of sixty per cent by the Canadian National Railways and forty per cent by the City of Yorkton.

HUGH WARDROPE,
Assistant Chief Commissioner.

Application of the Municipality of the Village of Montmorency, Que., for an Order directing the Quebec Railway, Light & Power Company to construct a level crossing at Cote Courville, connecting with the road of Isle of Orleans Bridge.

File No. 38361.3

JUDGMENT

GARCEAU, Deputy Chief Commissioner:—

The Applicant, the Corporation of the Village of Montmorency, requests the Board to issue an Order directing the Respondent, the Quebec Railway, Light & Power Company, to construct a level crossing at the foot of Cote de Courville.

As a subsidiary conclusion to this application, the Corporation of the Village of Montmorency wants the construction and maintenance of said crossing to be entirely at the expense of the Respondent.

In support of its application, the Applicant alleges the necessity of an outlet onto the Isle of Orleans Bridge road, as much for the Village of Montmorency as for Courville road.

The company agrees to the opening of such a crossing, about sixty (60) feet west of the Cote de Courville road, but objects to paying for the whole cost of construction and maintenance.

The Evidence has shown that the Cote de Courville road was senior to the railway, having been opened by the Municipality around 1860, up to the river.

There are minutes of the Municipality to establish this fact. Moreover, many witnesses were heard who knew that a road existed at that point before the railway was constructed; also, that this crossing which it is planned to reopen existed until 1935 and that it was maintained by the railway.

The Evidence given by Mr. Cote, the railway company's Superintendent, is to the same effect—(p. 2595 of Evidence):—

“Q. (by Mr. Taschereau) Now, was the crossing a regular crossing or simply some heavy planks put down to permit pedestrians to cross?
—A. No. It was sufficiently wide for a horse and wagon.

Q. Now who maintained it?—A. As I said as far as I can see the company maintained it.

Mr. TASCHEREAU: When was this little crossing taken up?—A. In 1935, I believe...”

At that time, a new road was constructed south of the tracks to reach the Isle of Orleans Bridge and a new crossing was built east of the Courville road.

The Applicant and the railway company are both willing to close that last mentioned crossing. The railway admits that the proposed crossing has advantages for the railway over the existing crossing.

The Municipality is willing to close also another crossing east of the Courville road.

As aforesaid, the Cote de Courville road crossing was in existence up to 1935 and the seniority of this highway over the railway is established beyond doubt. Moreover, the railway will profit by the closing of the two crossings above mentioned.

Under the circumstances, I would grant the application of the Municipality, the new crossing to be constructed over the railway about sixty (60) feet west of the Cote de Courville Road, the cost of construction and maintenance to be borne by the company, and the two crossings east of the new crossing to be closed upon completion of the new crossing; detailed plans to be submitted to the Board for approval.

January 5, 1940.

Commissioners Stoneman and MacPherson concurred.

Traduction

Requête de la municipalité du village de Montmorency, P.Q., demandant qu'il soit ordonné à la compagnie Quebec Railway, Light & Power de construire un passage de voie publique à la Côte Courville, se raccordant avec le chemin du pont de l'Île d'Orléans. Dossier N° 38361.3

JUGEMENT

GARCEAU, Commissaire en chef suppléant:

La requérante, la corporation du village de Montmorency, demande à la Commission d'émettre une ordonnance enjoignant à l'intimée, la compagnie Quebec Railway, Light & Power, de construire un passage à niveau au pied de la Côte de Courville.

Comme conclusion subsidiaire de cette requête, la Corporation du village de Montmorency veut que la construction et l'entretien de cette traverse soient entièrement à la charge de l'intimée.

A l'appui de sa requête, la requérante allègue la nécessité d'un débouché sur la route du Pont de l'Île d'Orléans, tant pour le village de Montmorency que pour le chemin de Courville.

La compagnie consent à l'ouverture d'un tel passage à environ soixante (60) pieds à l'ouest du chemin de la Côte de Courville, mais s'objecte à payer tout le coût de construction et d'entretien.

La preuve a démontré que le chemin de la Côte de Courville était plus ancien que le chemin de fer, ayant été ouvert par la municipalité vers 1860 jusqu'à la rivière.

Il existe un procès-verbal de la municipalité qui établit ce fait. De plus, plusieurs témoins qui savaient qu'un chemin existait à cet endroit avant que le chemin de fer ne fut construit furent entendus; aussi, ce passage que l'on projette de rouvrir a existé jusqu'en 1935 et était entretenu par le chemin de fer.

Le témoignage rendu par M. Côté, surintendant de la compagnie de chemin de fer, est au même effet (p. 2595 de la preuve):—

“Q. (par M. Taschereau)—Maintenant, cette traverse était-elle une traverse régulière ou simplement quelques madriers mis là pour permettre aux piétons de traverser?—R. Non. Elle était suffisamment large pour une voiture à chevaux.

Q. Maintenant, qui l'entretenait celle-là?—R. Comme j'ai dit, en autant que j'ai pu voir, c'est la compagnie qui l'entretenait.

M. TASCHEREAU: Quand a été enlevée cette petite traverse-ci?—R. En mil neuf cent trente-cinq (1935), je crois..."

Vers ce temps-là, un nouveau chemin fut construit au sud de la voie pour atteindre le pont de l'Île d'Orléans, et un nouveau passage fut construit à l'est du chemin de Courville.

La requérante et la compagnie de chemin de fer consentent à la fermeture du passage ci-dessus mentionné. Le chemin de fer admet que le passage projeté lui sera plus avantageux que le passage actuel.

La municipalité consent à fermer aussi un autre passage à l'est du chemin de Courville.

Tel que précité, le passage du chemin de la Côte de Courville a existé jusqu'en 1935 et l'ancienneté de ce chemin par rapport au chemin de fer est établie au delà de tout doute. De plus, le chemin de fer tirera avantage de la fermeture des deux passages précités.

Dans les circonstances, j'accorderais la requête, le passage demandé à travers la voie ferrée devant être construit à environ soixante pieds à l'ouest du chemin de la Côte de Courville; les frais de construction à la charge de la compagnie. Les deux passages à niveau à l'est du chemin de la Côte de Courville devront être fermés au public quand la nouvelle traverse sera terminée. Des plans détaillés, spécifiant l'endroit, devront être au préalable soumis à la Commission.

Le 5 janvier 1940.

Les Commissaires Stoneman et MacPherson se sont ralliés au jugement ci-dessus.

ORDER No. 58528

In the matter of the application of the Municipality of the Village of Montmorency, in the Province of Quebec, hereinafter called the "Applicant," under Section 256 of the Railway Act, for authority to construct a highway crossing over the tracks of the Quebec Railway, Light & Power Company at Cote Courville, connecting with the road to the Isle of Orleans bridge.

. File No. 38361.3

WEDNESDAY, the 17th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
F. M. MACPHERSON, *Commissioner.*

Upon hearing the application at the sittings of the Board held in Quebec, December 5th, 1939, in the presence of Counsel for the Applicant and the Railway Company, and what was alleged—

It is ordered:

1. That the Applicant be, and it is hereby, authorized to construct a highway crossing of the Quebec Railway, Light & Power Company's tracks about sixty feet west of the Cote de Courville Road, in the Village of Montmorency, Province of Quebec, as shown on the plan on file with the Board under file No. 38361.3, and in accordance with and subject to the Standard Regulations of the Board Affecting Highway Crossings.

2. That the cost of construction and maintaining the said crossing be borne and paid by the Quebec Railway, Light & Power Company.

3. That, upon completion of the crossing herein authorized, the two existing crossings east of the new crossing, be closed within the limits of the railway right of way.

HUGH WARDROPE,
Assistant Chief Commissioner.

Application of the Quebec Railway, Light & Power Company for authority to discontinue the use of the crossing of the tracks of the Canadian National Railways at La Canardiere Road, Quebec, P.Q. (formerly Beauport Road), and for relief from contribution toward the maintenance of subway imposed under Board's Order No. 49169, dated October 27, 1932.

File No. 29373

JUDGMENT

GARCEAU, Deputy Chief Commissioner:—

The Applicant, the Quebec Railway, Light & Power Company, requests the Board to be relieved of the obligation imposed upon it by Order 49169, dated October 27, 1932, of contributing 10 per cent toward the maintenance of the subway.

The Applicant invokes as a reason that since the construction of the subway its tramways do not any longer use said subway and are replaced by autobusses.

The Applicant adds that this subway accommodates at the same time a very heavy traffic of vehicles of all kinds and several bus lines, the names of which are mentioned in Exhibit No. 1.

The said subway, constructed in 1931, had become necessary on account of the increase of traffic, as much on the line of the Canadian National as on that of the Applicant and on the highway.

On November 25, 1919, the Applicant had entered into a contract with the City of Quebec, pledging itself to pay 30 per cent of the cost of construction of a subway at the same place.

In 1922, the City of Quebec, for and on behalf of the Applicant, had applied to the Board of Railway Commissioners for permission to construct a subway underneath the tracks of the C.N.R.; that application was refused by the Board but the construction of an interlocking system was ordered.

In 1930, the City of Quebec made a new application for the construction of the same subway, application which was granted, and the Board issued Order No. 45502, which reads as follows:—

“ORDER No. 45502

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

In the matter of the application of the City of Quebec, in the Province of Quebec, under Section 256 of the Railway Act, for leave to construct a subway under the Canadian National Railways at Canardiere Road, in the said City.

File No. 29373

MONDAY, the 29th day of September, A.D. 1930.

S. J. McLEAN, Assistant Chief Commissioner.

THOMAS VIEN, K.C., Deputy Chief Commissioner.

Upon reading the report of an Engineer of the Board and the submissions filed in support of the application and on behalf of the Railway Company—

The Board orders:

1. That the Canadian National Railways be, and they are hereby, directed to construct a subway under their tracks at Canardiere Road, in the City of Quebec (Limoilou Ward) in the Province of Quebec; plans of the proposed subway to be filed for the approval of an Engineer of the Board.

2. That the question of the apportionment of the cost of the said subway be reserved for further consideration by the Board.

S. J. McLEAN,

*Assistant Chief Commissioner,
Board of Railway Commissioners for Canada."*

On October 27, 1932, the Board adjudged definitely as to the apportionment of the cost of construction of this subway between the interested parties, as well as with regard to the cost of maintenance (Order No. 49169).

Notwithstanding the contract with the City of Quebec, that required the Applicant to pay 30 per cent of the cost of the subway, and a former judgment imposing upon it the same proportion, the Board, without adjudicating upon the merits of the contract and reserving all rights of the City of Quebec, revised its first judgment and ordered the applicant to pay only 10 per cent of the cost of construction and 10 per cent of the maintenance cost.

No appeal from this judgment was lodged and it must be considered as final as regards the financial obligations of the Quebec Railway, Light & Power Company and of the City of Quebec, towards the Canadian National Railway Company, unless new conditions were brought about by the Canadian National Railway Company, which is not the case.

The charges imposed by Order No. 49169 are not in any way conditional upon the operation through the subway of a tramway nor upon the kind or number of vehicles travelling on it; they should remain, even if the highway passing under the overhead bridge were to be closed (C.P.R. v. City of Montreal, 27 C.R.C. p. 365).

Without prejudice to any existing rights, legal or contractual, of the City of Quebec and of the Applicant, I would: cancel Order No. 33286; approve the substitution of gasoline busses to tramways; dismiss the last part of the application and maintain the charges imposed by Order No. 49169.

OTTAWA, January 6, 1940.

Commissioners Stoneman and MacPherson concurred.

TRADUCTION

Requête de la compagnie Quebec Railway, Light & Power, demandant l'autorisation de discontinuer l'usage de la traversée des voies du chemin de fer National du Canada, sur le chemin La Canardière, à Québec, P.Q., (autrefois chemin de Beauport) et d'être relevée de l'obligation de contribuer à l'entretien du viaduc à cet endroit imposée en vertu de l'ordonnance de la Commission n° 49169, en date du 27 octobre 1932.

Dossier N° 29373

JUGEMENT

GARCEAU, Commissaire en chef suppléant:—

La requérante, la compagnie Quebec Railway, Light & Power, demande à la Commission d'être déchargée de l'obligation qui lui est imposée par l'ordonnance 49169, du 27 octobre 1932, de contribuer 10 p. 100 à l'entretien du tunnel.

Elle invoque comme raison que depuis la construction du tunnel ses tramways ne se servent plus de ce tunnel et sont remplacés par des autobus.

Elle ajoute que ce tunnel sert en même temps un trafic très considérable de véhicules de toutes espèces et de plusieurs lignes d'autobus, dont les noms sont mentionnés à l'Exhibit N° 1.

Ce tunnel, construit en 1932, était devenu nécessaire à cause de l'augmentation du trafic, tant sur les voies du chemin de fer Canadien National que sur celles de la requérante et sur le chemin public.

Le 25 novembre 1919, la requérante avait passé un contrat avec la cité de Québec, s'engageant à payer 30 p. 100 du coût de la construction d'un tunnel à ce même endroit.

En 1922, la cité de Québec, pour et au nom de la requérante, avait fait une requête à la Commission des chemins de fer pour la construction d'un tunnel sous les voies ferrées du C.N.R.; cette requête fut refusée par la Commission mais la construction d'un système d'aiguillage enclanché fut ordonnée.

En 1930, la cité de Québec fit une nouvelle requête pour la construction du même tunnel, requête qui fut accordée et la Commission émit l'ordonnance 45502, qui se lit comme suit:—

"ARRÊT N° 45502

LA COMMISSION DES CHEMINS DE FER DU CANADA

In Re; requête de la Cité de Québec, dans la province de Québec, demandant, en vertu des dispositions de l'article 256 de la Loi des chemins de fer, la permission de construire un souterrain sous les voies ferrées de la compagnie des chemins de fer Nationaux du Canada, au Chemin Canadière, dans ladite Cité:

Dossier N° 29373

LUNDI, le 29ième jour de septembre, A.D. 1930.

LA COMMISSION,

Vu le rapport de son Ingénieur et les plaidoyers produits au dossier au soutien de la requête et de la part de la compagnie du chemin de fer. . .

ORDONNE, par les présentes, à la compagnie des chemins de fer Nationaux du Canada, de construire un passage souterrain de la voie publique sous ses voies ferrées au Chemin Canadière, dans la cité de Québec (Quartier Limoilou) dans la province de Québec, les plans du souterrain projeté à être soumis à l'approbation d'un Ingénieur de la Commission.

2. RÉSERVE la question de la répartition du coût dudit souterrain pour plus ample délibéré.

S. J. McLEAN,

*Commissaire en chef adjoint,
Commission des chemins de fer du Canada."*

Le 27 octobre, 1932, la Commission adjugea définitivement sur le partage du coût de la construction de ce tunnel entre les parties intéressées, de même que pour les frais d'entretien, (ordonnance N° 49169).

Malgré le contrat avec la cité de Québec qui assujettissait la requérante à payer 30 p. 100 du coût du tunnel et un premier jugement lui imposant la même proportion, la Commission, sans adjuger sur les mérites du contrat et réservant tous les recours de la cité de Québec revisa son premier jugement et ne condamna la Requérante qu'à payer 10 p. 100 du coût de la construction et 10 p. 100 du coût d'entretien.

Aucun appel ne fut interjeté de ce jugement et il faut le considérer comme final quant à ce qui concerne les obligations financières de la Quebec Railway, Light & Power Co., et de la cité de Québec, vis-à-vis la compagnie du Canadien-National, à moins de conditions nouvelles provoquées par le chemin de fer Canadien-National, ce qui n'est pas.

Les obligations imposées par l'ordonnance N° 49169 ne dépendent aucunement de la circulation du tramway dans le tunnel, ni du genre ou du nombre des véhicules qui y passent; elles demeureraient même si le chemin passant sous le viaduc était fermé.

Sans préjudice à aucuns des droits existants, légaux ou contractuels, de la cité de Québec et de la Requérente, j'annulerais l'ordonnance N° 33286; approuverais la substitution d'autobus au tramway; renverrais la dernière partie de la requête et maintiendrais les charges imposées par l'ordonnance 49169.

OTTAWA, le 6 janvier 1940.

Les Commissaires Stoneman et MacPherson se sont ralliés au jugement ci-dessus.

ORDER No. 58527

In the matter of the application of the Quebec Railway, Light & Power Company for an order relieving it from contributing ten per cent of the cost of maintaining the subway under the tracks of the Canadian National Railways at La Canardiere (Beauport) Road, in the City of Quebec (Limouilou Ward), Province of Quebec, imposed under the Order of the Board No. 49169, dated October 27, 1932.

File No. 29373

WEDNESDAY, the 17th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Upon hearing the application at the sittings of the Board held in Quebec, December 5, 1939, in the presence of Counsel for the Quebec Railway, Light & Power Company, the City of Quebec, and the Canadian National Railways, and what was alleged—

It is ordered:

1. That Orders numbered 33286, dated 8th January, 1923; 33488, dated 28th March, 1923; and 34601, dated 29th December, 1923, authorizing, inter alia, the crossing of the Canadian National Railways by the Quebec Railway, Light & Power Company's tracks at Beauport Road, in the City of Quebec, be, and they are hereby, rescinded, without prejudice to any rights the City of Quebec may have against the said Quebec Railway, Light & Power Company under the agreement entered into between them on the 25th November, 1919.

2. That the operation of gasoline buses by the Quebec Railway, Light & Power Company under the said subway at La Canardiere Road, in the City of Quebec, in substitution for street cars, be, and the same is hereby, approved.

3. That the said application for relief from contributing toward the cost of maintenance of the subway at La Canardiere Road, Quebec, be, and it is hereby dismissed

HUGH WARDROPE,

Assistant Chief Commissioner.

Application of Wings Limited for a licence, under the provisions of The Transport Act, 1938, to transport passengers and goods by aircraft between Flin Flon and Brochet, with intermediate calls at Sherridon, Pukatawagan, Island Falls, South End, Rabbit River and Halfway Island.

File No. 42007.19.1

JUDGMENT

GARCEAU, DEPUTY CHIEF COMMISSIONER:

In the application as originally filed, Sherridon and Pukatawagan were not included as points of call; it was some considerable time later that request was made to have these points added. The application, as amended, covers a route from Flin Flon, as the southern terminal, through Sherridon, Pukatawagan, Island Falls, South End, Rabbit River and Halfway Island, to Brochet, as the northern terminal. Applicant was requested to furnish a sworn statement itemizing in detail each trip made and the passengers and goods carried between all points named in the application during the period of 12 months preceding July 1, 1938, which is the date on which the Act was given assent. Section 5(2) of the Act provides that, if evidence is offered to prove that at any time during the period of 12 months next preceding the coming into force of the relevant Part of this Act, between the points to which the application for a licence relates, the applicant was bona fide engaged in the business of transport, the Board shall, if satisfied with such proof, accept the same as evidence of public convenience and necessity, and issue licence accordingly. An analysis of the statement supplied by applicant furnished evidence satisfactory to the Board that the applicant is entitled to a licence, under the provisions of Section 5(2), with respect to a service between Flin Flon and Island Falls and South End. It showed no service or traffic carried during the said 12 months' period to or from Sherridon, Pukatawagan, Rabbit River or Brochet. Between Flin Flon and Halfway Island, there were only two trips, viz., on June 8 and 19, 1938, carrying 10 passengers and no goods, and, between Island Falls and Halfway Island, there was but one trip, on June 8, 1938. Except as between Flin Flon and Island Falls and South End, the application falls under the provisions of Section 5(1) of the Act, which directs the Board to determine whether public convenience and necessity require such transport. It is also provided therein that, in so determining, the Board may take into consideration, *inter alia*,—

- (a) any objection to the application which may be made by any person or persons who are already providing transport facilities, whether by rail, water or air, on the routes or between the places which the applicant intends to serve on the ground that suitable facilities are or, if the licence were issued, would be in excess of requirements, or on the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;
- (b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;
- (c) the general effect on other transport services and any public interest which may be affected by the issue of such licence;
- (d) the quality and permanence of the service to be offered by the applicant and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance.

Other air carriers were advised of the application and given an opportunity of making any desired submissions concerning it, serving copy thereof upon the

applicant. The matter was set down for hearing at sittings of the Board in Winnipeg on October 10, 1939, in order to receive evidence from the standpoint of public convenience and necessity as well as hearing representations of any other interested parties.

Applicant referred to air transport services performed by the Turnbull Fishing Company and submitted an affidavit of Mr. F. M. Vrooman, a former employee of the Turnbull Fishing Company, to the effect that, between July 1, 1937, and July 31, 1938, the said company made 170 trips from Flin Flon to Halfway Island and 6 trips from Flin Flon to Brochet, these trips being made either in connection with the Turnbull Fishing Company's operations or in transportation of passengers and goods. Some time subsequent to July 1, 1938, the Turnbull Fishing Company went into liquidation. Applicant stated it had since taken over the air transport service previously performed by the Turnbull Fishing Company and desired the traffic carried by that company to be accepted as evidence under the provisions of Section 5(2) of the Act as its bona fide operation between said points within the period of 12 months preceding July 1, 1938. There was no evidence submitted to prove that the applicant has acquired the complete undertakings of the Turnbull Fishing Company. Counsel for Arrow Airways Limited contended that applicant had not taken over the assets of the Turnbull Fishing Company but was merely performing the same air transport service formerly done by the fishing company. Upon what is before us on the record here, the Board cannot consider the service performed by the Turnbull Fishing Company as an operation of the applicant. Exhibit 1, filed by applicant at the hearing, shows considerable traffic carried to and from Halfway Island subsequent to July 1, 1938.

Arrow Airways Limited opposed the application. It holds licences issued upon satisfactory proof being furnished under the provisions of Section 5(2) of the Act, authorizing it to transport passengers and goods between the following points:—

Licence No.	Points and Places
12	Flin Flon, Cranberry Portage, Gurney Gold, Elbow Lake, Sherridon, Pukatawagan, Man.
30	Flin Flon, Man.; Pelican Narrows and Island Falls, Sask.
53	Flin Flon, Man.; Island Falls, South End, Rabbit River, Sask.; Brochet, Man.

The position of Arrow Airways Limited may be summarized as follows: The proposed service of Wings Limited would duplicate that of Arrow Airways Limited between points covered by the licences to which reference is above given. Arrow Airways Limited has no difficulty in furnishing all the air transport service required between these points. The revenue received for the transport of passengers and goods between these points has, for some time past, been below the cost of operation, and will remain so until the volume of traffic increases. The granting of this application would permit an entirely unnecessary duplication of an already unprofitable service and would be contrary to the purpose of the Transport Act.

The evidence submitted by applicant from the standpoint that public convenience and necessity required this additional transport service was very meagre and far from impressive. Applicant stated the district was sparsely settled; contained a white population not exceeding 50 persons; and is one in which air services are required not at regular times but when traffic is available. In fact, applicant went so far as to state that, in its opinion, the traffic was not of sufficient density to justify the provisions of the Transport Act being made applicable, and the licences issued to Arrow Airways Limited should be cancelled. It is readily apparent that action such as here suggested would be beneficial to the applicant and permit it to continue an unlicensed service

in this area. When evidence of this nature is offered by applicant, it is difficult to appreciate how it expects to be successful in its application. The Board is fully satisfied with the evidence placed before it concerning the operations of Arrow Airways Limited with respect to the points covered by its Licences Nos. 12, 30 and 53, and that the provisions of the Transport Act may fittingly be applied to such air transport services.

Upon what is before the Board on this record, it is not shown that public convenience and necessity require the additional transport applied for, and the application is dismissed. Applicant did, however, furnish the requisite evidence showing a right to a licence under the provisions of Section 5(2) between Flin Flon and Island Falls and South End, but, from the record, it is not clear whether it desires to proceed with that portion of the application in view of the Board's decision with respect to the balance of it. The applicant is at liberty to make a separate application in regard to a service between Flin Flon and Island Falls and South End. It may also include Halfway Island, as the Board would be justified in licensing this point from the standpoint of public convenience and necessity based on the traffic carried, as shown in Exhibit No. 1.

OTTAWA, January 10, 1940.

Commissioners Stoneman and Stone concurred.

ORDER No. 58494

In the matter of the application of Wings Limited, under Section 13 of The Transport Act, 1938, for a licence to transport passengers and goods by aircraft between Flin Flon and Brochet, Manitoba, with intermediate calls at Sherridon, Pukatawagan, Island Falls, South End, Rabbit River, and Halfway Island.

File No. 42007.19.1

TUESDAY, the 16th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon hearing the application at the sittings of the Board held in Winnipeg, Manitoba, October 10, 1939, in the presence of Counsel for and representatives of Wings Limited and Arrow Airways Limited, and what was alleged—

It is ordered: That the said application of Wings Limited for a licence between Flin Flon, Sherridon, Pukatawagan, Rabbit River, and Brochet, Manitoba, be, and it is hereby, dismissed, with leave, if it so desires, to make a separate application for a licence to transport passengers and goods between Flin Flon and Island Falls and South End and Halfway Island.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58469

In the matter of the application of the New York Central Railroad Company, hereinafter called the "Applicant Company," for permission to amend its Tariff C.T.C. (M.C.) No. 3711 on less than statutory notice to correct an error.

File No. 27612.216

TUESDAY, the 2nd day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

Whereas Item 740 of the Applicant Company's Tariff C.T.C. (M.C.) No. 3711 provides for a rate of 25 cents per 100 pounds on Steel Bars and Tool Steel, in straight or mixed carloads, from Welland, Ontario, to Windsor, Ontario, expiring with December 31, 1939, which rate was extended from December 31, 1939, to April 14, 1940, in error;

And whereas it is stated in the application that it was intended to provide for a rate of 26 cents per 100 pounds, effective January 1, 1940, to expire with April 14, 1940, as agreed upon with, and published by, the Canadian National Railways, and it is now desired to make correction on less than statutory notice—

It is therefore ordered that the applicant Company be, and it is hereby, granted permission to publish on one day's notice a supplement to the afore-said tariff to correct the said error.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58470

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 2nd day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 52 to Tariff C.T.C. No. E. 1906

Supplement No. 42 to Tariff C.T.C. No. E. 2047

Supplement No. 29 to Tariff C.T.C. No. E. 2474

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58477

In the matter of the application of the Wabash Railway Company, hereinafter called the "Applicant Company," for permission to amend its Tariff C.T.C. No. 1859 on less than statutory notice to correct errors.

File No. 27612.216

FRIDAY, the 5th day of January A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas Item 900 of the Applicant Company's Tariff C.T.C. No. 1859 provides for a rate of 25 cents per 100 pounds on steel bars and tool steel from Welland, Ontario, to Walkerville and Windsor, Ontario, expiring with December 31, 1939, the intention being to provide for a rate of 26 cents per 100 pounds, effective January 1 and expiring April 14, 1940, but through error in Supplement 27 to the said tariff, effective February 7, 1940, a rate of 25 cents is published from Welland to Walkerville, and 26 cents to Windsor, and it is desired to make correction on less than statutory notice;

And whereas Item 810A in Supplement 25 to the Applicant Company's Tariff C.T.C. No. 1859 provides for rates on salt, effective December 31, 1939, and expiring April 14, 1940, with minimum weight of 90,000 pounds, although it was intended that the minimum weight should be 100,000 pounds, which error the Applicant Company desires to correct on less than statutory notice—

It is therefore ordered: That the Applicant Company be, and it is hereby, granted permission to publish on one day's notice a supplement to the aforesaid tariff to correct the said errors.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58480

In the matter of the application of W. M. Matthews, Agent, for permission to amend, on less than statutory notice, Canadian National Railways Tariff C.T.C. No. E-2115 and Canadian Pacific Railway Company's Tariff C.T.C. No. E-4912, to correct errors.

File No. 27612.217

SATURDAY, the 6th day of January A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

Whereas Items 280 and 281, 4th Revised Page 22A, Canadian National Railways' Tariff C.T.C. No. E-2115, effective January 6, 1940, and Item 1670, Canadian Pacific Railway Company's Tariff C.T.C. No. E-4912, effective January 1, 1940, provide for the mixture of cat food and dog food with other commodities at a rate of 35 cents per 100 pounds from Toronto and Hamilton, Ontario, to Montreal, Quebec;

And whereas it is stated in the application that it was never the intention to authorize any commodity rate on cat and dog food from Hamilton, Ontario, to Montreal, Quebec—

It is therefore ordered: That the Canadian National Railways and the Canadian Pacific Railway Company be, and they are hereby, permitted to amend the said items, effective January 15, 1940, to indicate that the mixture of cat and dog food with other commodities at a rate of 35 cents per 100 pounds is applicable only on shipments from Toronto, Ontario.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58490

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 8th day of January A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 30 to Tariff C.T.C. No. E.2474

Supplement 2 to Tariff C.T.C. No. E.3158

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58496

In the matter of the application of North Shore Airways Limited, under Section 18 of The Transport Act, 1938, for approval of resolution, adopted December 15, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned and operated by the company, and to submit the same to, and file the same with, the Board.

File No. 42057.19

TUESDAY, the 9th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said resolution of North Shore Airways Limited, adopted December 15, 1939, authorizing the President of the Company to prepare and issue freight and passenger tariffs of the tolls to be charged in respect of the aircraft owned and operated by the company, and to submit the same to, and file the same with, the Board, the said resolution being on file with the Board under file No. 42057.19, be, and it is hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58497

In the matter of the application of Prairie Airways Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Goods Mileage Tariff C.T.C. No. 5, on file with the Board under file No. 42017.4.

TUESDAY, the 9th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the Standard Goods Mileage Tariff of Prairie Airways Limited, C.T.C. No. 5, effective January 6, 1940, on file with the Board under file No. 42017.4, be, and it is hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58500

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 10th day of January, A.D. 1940.

HUGH WARDROPE, *Asst. Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in Item 1870 B of Supplement No. 14 to Tariff C.T.C. No. E. 4790, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 1870 B of Supplement No. 14 to Tariff C.T.C. No. E. 4790 approved herein, are as follows:—

From stations taking Eastbound rate groups H. K. and L. listed in Canadian Freight Association Tariff C.T.C. No. 1165

Item	Cents per 100 pounds		
	H.	K.	L.
1870B 30,000 pounds	198	202	203½

From Dominion Atlantic Railway stations one and one-half cents per 100 pounds to be deducted account of water haul.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58501

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

WEDNESDAY, the 10th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the toll published in Item 101 of Supplement No. 5 to Tariff C.T.C. No. 1072, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 101 of Supplement No. 5 to Tariff C.T.C. No. 1072 approved herein, is 14½ cents per 100 pounds.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58502

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

WEDNESDAY, the 10th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. E.4912, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. E.4912 approved herein, are as follows:—

Item	Cents per 100 pounds	
75..	any quantity	14
190..		2,000 lbs.
Saint John, N.B., to St. Stephen, N.B..	20	
St. Stephen, N.B., to Saint John, N.B..	20	15
310..		18
620..		C.L. 16½
830..	C.L.	any quantity
	15	20
860..		12½
1955..	C.L.	any quantity
	21½	25

Item	Cents per 100 pounds			
2175.				9½
3110 To Montreal, Que.				42½
Ottawa, Ont.				44
Quebec, Que.				41
Sherbrooke, Que.				41½
Toronto, Ont.				48½
3118.				8
3925.			Minimum	
	24,000	30,000	40,000	60,000
To Edmundston, N.B.	34½			29½
Fredericton, N.B.	14½		10½	
Perth Junction, N.B.		25		
Woodstock, N.B.	25		20	

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58507

In the matter of Tariff C.T.C. No. 26 of Canadian Airways Limited, providing for discount on passenger fares and goods as described therein.

File No. 42274

WEDNESDAY, the 10th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Pursuant to the finding of the Board as set out in its Reasons for Judgment dated December 15, 1939, in the matter of "Discounts from Monthly Transportation Accounts"—

It is ordered: That Tariff C.T.C. No. 26 of Canadian Airways Limited be, and it is hereby, disallowed.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58522

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

TUESDAY, the 16th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement 31 to Tariff C.T.C. No. E.2474
Supplement 3 to Tariff C.T.C. No. E.3158
Supplement 4 to Tariff C.T.C. No. E.3158

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58529

In the matter of the application of Colonial Steamships Limited, hereinafter called the "Applicant", under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076.16

WEDNESDAY, the 17th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Bayton..	141675	4,176
Laketon..	137906	4,423
Mathewston..	141679	7,403
Riverton..	137898	4,423
Royalton..	151108	7,164
Easton..	132069	1,757
Northton..	148077	2,227
Yorkton..	132060	1,771

And whereas, in pursuance of Order No. 57488, dated 25th May, 1939, Licence No. C.T.C. (W.T.) 16 was issued for a period of one year from January 15, 1939—

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 29 be issued to the Applicant for a period of one year from January 15, 1940.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58530

In the matter of the application of McKellar Steamships, Limited, hereinafter called the "Applicant", under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076.15

WEDNESDAY, the 17th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Livingston..	149470	2,115
Waterton..	149472	2,114

And whereas, in pursuance of Order No. 57416, dated 6th May, 1939, Licence No. C.T.C. (W.T.) 7 was issued for a period of one year from January 15, 1939—

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 28 be issued to the Applicant for a period of one year from January 15, 1940.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58565

In the matter of the application of the Wabash Railway Company, hereinafter called the "Applicant Company," for permission to amend its Tariff C.T.C. No. 1859 on less than statutory notice, to correct an error.

File No. 27612.216

FRIDAY, the 19th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas Item 980 of the Applicant Company's Tariff C.T.C. No. 1859 provides for a rate of 26 cents per 100 pounds on sugar, carloads, from Chatham, Ontario, to Lindsay, Ontario, expiring with December 31, 1939, which rate was extended from December 31, 1939, to April 14, 1940, in error;

And whereas it is stated in the application that it was intended to provide for a rate of 28 cents per 100 pounds, effective January 1, 1940, to expire with April 14, 1940, as agreed upon with and published by the Canadian National Railways;

And whereas it is now desired to make correction on less than statutory notice—

It is therefore ordered:

That the Applicant Company be, and it is hereby, granted permission to publish on one day's notice a supplement to the aforesaid tariff, to correct the said error.

HUGH WARDROPE,
Assistant Chief Commissioner.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

OTTAWA, FEBRUARY 15, 1940

No. 24

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ORDER No. 58554

In the matter of the application of the Canadian Freight Association, under Section 322 of the Railway Act, for approval of proposed Supplement No. 3 to Canadian Freight Classification No. 19, on file with the Board under file No. 33365.121.

THURSDAY, the 18th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas notice has been given by the Canadian Freight Association in the *Canada Gazette*, as required by Section 322 of the Railway Act, and copies of the said supplement furnished to the parties named in the General Orders of the Board Nos. 271, 348, 353, 469, and 471, with the request that their objections, if any, be filed with the Board within thirty days, no one offering any objection; and

Upon the recommendation of the Director, Traffic Department of the Board—

It is ordered: That the said Supplement No. 3 to Canadian Freight Classification No. 19, on file with the Board under file No. 33365.121, be, and it is hereby, approved.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58580

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

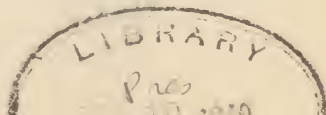
File No. 34822.2

MONDAY, the 22nd day of January, A.D. 1940.

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in Supplement No. 5 to Tariff C.T.C. No. E. 3158, filed by the Canadian National Railways under Section 3 of the



Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3.

J. A. STONEMAN,
Commissioner.

ORDER No. 58586

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.8

TUESDAY, the 23rd day of January, A.D. 1940.

J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Tariff C.T.C. No. 73 filed by the Sydney & Louisburg Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 73 approved herein, is 6 cents per 100 pounds.

J. A. STONEMAN,
Commissioner.

ORDER No. 58587

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.8

TUESDAY, the 23rd day of January, A.D. 1940.

J. A. STONEMAN, *Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Item 1 of Tariff C.T.C. No. 72, filed by the Sydney & Louisburg Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 1 of Tariff C.T.C. No. 72 approved herein, is 12½ cents per 100 pounds.

J. A. STONEMAN,
Commissioner.

ORDER No. 58588

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.2

TUESDAY, the 23rd day of January, A.D. 1940.

J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in items 231½, 232, 233 and 234 of Supplement No. 63 to Tariff C.T.C. No. E. 1829, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act, the Dominion Atlantic Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Dominion Atlantic Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said items 231½, 232, 233 and 234 of Supplement No. 63 to Tariff C.T.C. No. E. 1829, approved herein, are as follows:—

Item	From	Cents per Billed	100 pounds Normal
231½	Avonport, N.S.	17	21½
	Bear River, N.S.	23	28½
232	Clementsport, N.S.	23	28½
	Deep Brook, N.S.	23	28½
	Digby, N.S.	19.5	24½
	Falmouth, N.S.	14	17½
	Grand Pre, N.S.	17	21
	Hantsport, N.S.	15	19
233	Horton Landing, N.S.	17	21
	Middleton, N.S.	10	12
234	Somerset, N.S.	25	30½
	Upper Clements, N.S.	23	28½
	Weston, N.S.	25	30½
	Windsor, N.S.	14	17½
	Wolfville, N.S.	17	21½

J. A. STONEMAN,
Commissioner.

ORDER No. 58589

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822.15

TUESDAY, the 23rd day of January, A.D. 1940.

J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published to Newcastle Creek, N.B., in Supplement No. 26 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal and Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 26 to Tariff C.T.C. No. 194 to Newcastle Creek, N.B. approved herein, are as follows:—

To	Cents per ton of 2,000 pounds	
Newcastle Creek, N. B.	(13)	37½
	(17)	75

For explanation of reference marks see page 2 of Supplement.

J. A. STONEMAN,
Commissioner.

ORDER No. 58595

In the matter of the application of the Union Transit Company, Limited, hereinafter called the "Applicant," under Section 10 of the Transport Act, 1938, for a licence to transport goods by water between ports on the Great Lakes and the St. Lawrence River and its connecting waters, as far seaward as the west end of the Island of Orleans.

File No. 42076.25

THURSDAY, the 25th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ship for the purpose of such transportation, namely:—

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
William Schupp	160713	1,779

And whereas, in pursuance of Order No. 57490, dated May 25th, 1939, Licence No. C.T.C. (W.T.) 21 was issued for a period of one year from January 15th, 1939—

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 30 be issued to the Applicant for a period of one year from January 15th, 1940.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58597

In the matter of the application of the Canadian Freight Association, under Section 322 of the Railway Act, for approval of the cancellation of Item 29, Page 178 of Canadian Freight Classification No. 19, applicable to moccasins, in boxes.

File No. 33365.121

FRIDAY, the 26th day of January, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas this Item provides for an any quantity rating of first class and it is the desire of the carriers to cancel the Item to permit the application of

first class rating, less carloads, and third class rating, carloads, under the provisions of Item 31, Page 57 of the said Classification;

And whereas it is desired to incorporate the change of classification in Supplement No. 3, approved by Order No. 58554 of the 18th day of January, 1940, and no objections have been offered thereto;

And upon the recommendation of the Assistant Director of the Traffic Department of the Board—

It is ordered: That cancellation of Item 29, Page 178 of the said Classification, be, and it is hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58602

In the matter of the application of the Hall Corporation of Canada, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076.19

MONDAY, the 29th day of January, A.D. 1940.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Coniscliffe Hall.. . . .	160706	1,900
Eaglescliffe Hall.. . . .	160707	1,900
George L. Eaton.. . . .	160717	1,895
Meadcliffe Hall.. . . .	160716	1,895
Mont Louis.. . . .	147791	1,905
John H. Price.. . . .	147788	1,905
Rockcliffe Hall.. . . .	160709	1,900
Walter B. Reynolds.. . . .	147790	1,905
Westcliffe Hall.. . . .	160708	1,900

And whereas, in pursuance of Order No. 57418, dated 6th May, 1939, Licence No. C.T.C. (W.T.) 9 was issued for the period of one year from January 15, 1939—

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 31 be issued to the Applicant for the period of one year from January 15, 1940.

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER No. 58603

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2

MONDAY, the 29th day of January, A.D. 1940.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered:

That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 65 to Tariff C.T.C. No. E. 1829

Supplement No. 6 to Tariff C.T.C. No. E. 3069.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ORDER No. 58607

In the matter of the application of Quebec Airways Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 4, and Standard Goods Tariff C.T.C. No. 5, on file with the Board under file No. 42017.7.

TUESDAY, the 30th day of January, A.D. 1940.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 4, and Standard Goods Tariff C.T.C. No. 5, of Quebec Airways Limited, effective December 15, 1939, on file with the Board under file No. 42017.7, be, and they are hereby, approved.

F. NAP. GARCEAU,

Deputy Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT
BOARD OF TRANSPORT COMMISSIONERS FOR CANADA,
DECEMBER, 1939

Railway accidents.. . . .	93 with 19 killed and 147 injured
Railway accidents at highway crossings.. . . .	32 with 5 killed and 57 injured
Total accidents.. . . .	125 with 24 killed and 204 injured

	Killed	Injured
Passengers.. . . .	2	70
Employees.. . . .	4	68
Others.. . . .	18	66
Total.. . . .	24	204

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

NOVA SCOTIA

Accidents K. I.

- 1 — 1 Pedestrian—Pedestrian attempted to get over crossing ahead of train and was struck.

QUEBEC

- 1 — 1 Pedestrian—Pedestrian went under lowered gates; walked on to crossing in front of approaching train and was struck.
 1 — 2 Automobile—Automobile ran into side of train. Licence, Que. T—1107.
 1 — 1 Automobile—Automobile ran into side of train. Licence, Que. 106059.
 1 — 1 Automobile—Automobile ran into side of train. Licence, Que. 100788.
 1 — 2 Automobile—Automobile ran into side of train. Licence, Que. 67452.
 1 — 1 Auto truck—Auto truck ran into side of train. Licence, Que. L-1064.
 1 — 1 Pedestrian—Pedestrian struck by train.

ONTARIO

- 1 — 2 Automobile—Automobile trapped inside crossing gates; struck by train. Licence, Ont. 3-H-181.
 1 — 2 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 85-U-66.
 1 — 1 Automobile—Automobile ran into side of train. Licence, Mich. W-53830.
 1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 5-D-521.
 1 — 4 Automobile—Automobile ran into side of train. Licence, Ont. 41-A-23.
 1 — 4 Automobile—Automobile ran into side of train. Licence, Ont. 88-Y-11.
 1 — 1 Automobile—Automobile skidded into track motor car. Licence, Ont. 804-T-1.
 1 — 2 Automobile—Automobile ran into side of train. Licence, Ont. 5-W-766
 1 — 2 Automobile—Automobile ran into side of train. Licence, Ont. 2034-X.
 1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 5-M-994.
 1 — 2 Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 61148.
 1 — 2 1 Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 54344-C.
 1 — 1 1 Automobile—Automobile ran into side of train. Licence, Ont. 2-W-713.
 1 — 2 Automobile—Automobile ran into side of train. Licence, Ont. 540-P-2.
 1 — 1 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 3-T-599.
 1 — 1 Pedestrian—Pedestrian struck by train.
 1 — 6 Automobile ran into side of train. Licence, Ont. 47-M-93.
 1 — 1 Automobile—Automobile crashed into the front end of train. Licence, Ont. 2-D-187.
 1 — 2 Automobile—Automobile ran into side of train. Licence, Ont. 4-L-491.

SASKATCHEWAN

- 1 — 1 2 Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Sask. 21-817.
 1 — 2 Auto truck—Auto truck ran into side of train. Licence, Sask. E-473.

ALBERTA

- 1 — 4 Auto bus—Auto bus skidded into side of train. Licence, Alta. 76012.
 1 — 1 Automobile—Automobile struck track motor car. Licence, Alta. 28-340.

BRITISH COLUMBIA

- 1 — 2 Automobile—Automobile drove on to crossing in front of approaching

Of the 32 accidents at highway crossings, 22 occurred at unprotected crossings, and 10 occurred at protected crossings.

Eleven of the accidents occurred after sunrise, and 21 occurred after sunset.
 January 30, 1940.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 58462. Dec. 29—Approving installation of unloading standard etc., of Canadian Oil Companies Ltd., M. 68·5, Quebec Subdivision of Quebec Central Ry., Thetford Mines, Que.
- 58463. Dec. 29—Declaring C.N.R. crossing of highway No. 7, Twp. Guelph, Ont., M. 28·99, Fergus Subdivision, protected to Board's satisfaction.
- 58464. Dec. 29—Declaring C.P.R. crossing south of Armstrong station (Bridge street), B.C., satisfactorily protected, speed limitation of 10 miles an hour to be maintained.
- 58465. Dec. 29—Approving installation of additional storage tanks, etc., of British American Oil Co., near C.P.R. at Portage la Prairie, Man.
- 58466. Dec. 30—Declaring C.P.R. crossing west of Belleplaine station, Sask., M. 117·5, Indian Head Subdivision, protected to Board's satisfaction.
- 58467. Jan. 2—Approving plan of work to be done on culvert under C.N.R. M. 87·8, Drummondville Subdivision, west of Mitchell station, Quebec.
- 58468. Jan. 2—Declaring C.P.R. crossing of Queen Street, Brampton, Ont., protected to Board's satisfaction.
- 58469. Jan. 2—Permitting N.Y.C.Ry. to amend Tariff C.T.C. (M.C.) 3711 on less than statutory notice.
- 58470. Jan. 2—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Section 3.
- 58471. Jan. 2—Approving abandonment of operation of interchange track between C.P.R. and C.N.R., at Drumbo, Ont.
- 58472. Jan. 3—Disallowing discount provisions in certain tariffs of Canadian Airways Ltd., Mackenzie Air Service, Ltd., and M. & C. Aviation Co. Ltd.
- 58473. Jan. 4—Authorizing N. St. C. & Toronto Ry. Co. to operate over subway at M. 2·11, Grantham Subdivision, St. Catharines, Ontario.
- 58474. Jan. 5—Authorizing N. St. C. & Toronto Ry. Co. to operate over bridge across Niagara street, St. Catharines, Ont.
- 58475. Jan. 5—Authorizing Department of Public Works of Alberta to construct highway crossing over C.P.R. at M. 47·9, Leduc Subdivision, Ermineskin Indian Reserve, Alta.
- 58476. Jan. 5—Authorizing C.P.R. to remove derail at interlocking plant of C.N.R. at Canpa, Ontario.
- 58477. Jan. 5—Permitting Wabash Railway Co. to amend tariff C.T.C. 1859 on less than statutory notice, to correct error.
- 58478. Jan. 5—Declaring Pere Marquette crossing of King street, Highgate, Ont., protected to Board's satisfaction.
- 58479. Jan. 5—Declaring C.N.R. crossing of highway at Little Bras d'Or station, N.S., protected to Board's satisfaction.
- 58480. Jan. 6—Permitting W. M. Matthews, Agent, to amend on less than statutory notice C.N.R. Tariff C.T.C. E-2115, and C.P.R. Tariff C.T.C. E-4912, to correct errors.
- 58481. Jan. 6—Authorizing C.N.R. to open highway at M. 105·8, Blaine Lake Subdivision, Sask., and to close certain crossings between Sections 1 and 2-35-42-13-W. 3 M.
- 58482. Jan. 8—Approving location of C.P.R. station at Blissville, N.B.
- 58483. Jan. 8—Dismissing application City of St. Lambert, Que., for approval of By-law 89 prohibiting ringing of bells, etc., within town limits.
- 58484. Jan. 8—Approving plan showing crossing of C.N.Rys. across Kaulback and Willow streets, Truro, N.S.
- 58485. Jan. 8—Approving location C.N.R. shelter at Revillart, Que., mileage 61·86, Val d'Or Subdivision.
- 58486. Jan. 8—Approving location C.N.R. shelter at Colombiere, Que., mileage 26·52, Val d'Or Subdivision.
- 58487. Jan. 8—Approving location C.N.R. shelter at McWatters, Que., mileage 92·44, Val d'Or Subdivision.
- 58488. Jan. 8—Permitting C.N.R. to close station at Forrestville, Ontario.
- 58489. Jan. 8—Permitting C.N.R. to close station at Walsh, Ontario.
- 58490. Jan. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Section 3.
- 58491. Jan. 9—Declaring Maritime Coal Ry. & Power Co's track (Lawson's crossing) west of Maccan Station, N.S., protected to Board's satisfaction.
- 58492. Jan. 9—Declaring C.N.R. crossing of Capreol Road west of Algo, Ont., protected to Board's satisfaction.
- 58493. Jan. 9—Authorizing C.P.R. to enter upon lands of M. Lanquetot & Sons, Ltd., to remove obstructions to view at highway crossing east of West Sheffield station, Que., M. 113·6, Sherbrooke Subdivision.

- 58494. Jan. 13—Dismissing application Wings Limited for Licence between Flin Flon and Brochet, Man.
- 58495. Jan. 9—Requiring C.N.R. to attach semaphore type of automatic gate and gate-arm mechanism to protection already installed at Hurontario street, Port Credit, Ont.
- 58496. Jan. 9—Approving resolution North Shore Airways Ltd., authorizing certain officials to prepare and issue freight and passenger tariffs.
- 58497. Jan. 9—Approving Standard Goods Mileage Tariff of Prairie Airways, Ltd., C.T.C. No. 5.
- 58498. Jan. 9—Approving location of C.N.R. shelter at Tiblémont, Que., mileage 6.50, Val d'Or Subdivision.
- 58499. Jan. 9—Approving Tariff C.T.C. 6664 covering exchange rates of Bell Telephone Co. at Magog, Que.
- 58500. Jan. 10—Approving under Maritime Freight Rates Act tolls published in Tariff C.T.C. E-4790 filed by the C.P.R. under Section 9.
- 58501. Jan. 10—Approving under Maritime Freight Rates Act tolls published in Tariff C.T.C. 1072 filed by the Dominion Atlantic Ry. under Section 9.
- 58502. Jan. 10—Approving under Maritime Freight Rates Act tolls published in Tariff C.T.C. E-4912, filed by the C.P.R. under Section 9.
- 58503. Jan. 10—Declaring C.P.R. crossing of highway east of Warwick Station, Que., protected to Board's satisfaction.
- 58504. Jan. 10—Declaring C.P.R. crossing of highway No. 17 east of Markstay, Ont., protected to Board's satisfaction.
- 58505. Jan. 10—Declaring C.P.R. crossing of Town Line Road east of Belmont Station, Ont., protected to Board's satisfaction, speed limitation of 10 miles an hour to remain in effect.
- 58506. Jan. 10—Removing speed restriction imposed by Order 44052 of December 17/29 over V.V. & E.R. & N. & C.P.R. Co's crossings at Sapperton, New Westminster, B.C.
- 58507. Jan. 10—Disallowing Tariff C.T.C. No. 26 of Canadian Airways Limited.
- 58508. Jan. 10—Approving location C.N.R. shelter at Heva, Que.
- 58509. Jan. 12—Approving installation of unloading standard, etc., of Shell Petroleum Co. of Canada Ltd., C.N.Rys. at St. James, Man.
- 58510. Jan. 12—Declaring C.P.R. crossing of highway south of Swift Current, Sask., Vanguard Subdivision, protected to Board's satisfaction.
- 58511. Jan. 12—Declaring C.N.R. crossing of highway north of Fresniere Station, Que., protected to Board's satisfaction.
- 58512. Jan. 12—Declaring C.N.R. crossing of highway, Twp. of Paipoonge, Thunder Bay District, protected to Board's satisfaction.
- 58513. Jan. 12—Approving proposed installation of unloading rack, etc., of Imperial Oil Ltd., C.N.Rys., at Somme, Sask.
- 58514. Jan. 12—Approving proposed installation of additional storage tank, etc., of North Star Oil Ltd. (Petroleum Realty Corpn.) near C.N.R. at Kindersley, Sask.
- 58515. Jan. 12—Permitting C.N.R. to cancel flag stop at Beattys, Ontario.
- 58516. Jan. 12—Approving less than standard clearance of C.N.R. tracks serving Consolidated Paper Corporation Ltd., Wayagamack Spur, Three Rivers, Que.
- 58517. Jan. 15—Declaring C.N.R. crossing of 102nd Avenue, Edmonton, Alta., protected to Board's satisfaction.
- 58518. Jan. 15—Declaring C.N.R. crossing of highway (Minett's Crossing) south of Allandale, Ont., protected to Board's satisfaction.
- 58519. Jan. 15—Approving proposed installation of storage tanks, etc., of Imperial Oil Co. Ltd., near C.N.R. at Parry Sound, Ont.
- 58520. Jan. 15—Approving Bell Telephone Co's service station contract with Falkirk Telephone Co. Ltd.
- 58521. Jan. 16—Approving Bell Telephone Co's traffic agreement with Commissioners for the Telephone System of Mun. of Twp. of London, Ont.
- 58522. Jan. 16—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Section 3.
- 58523. Jan. 16—Approving Tariffs C.T.C. 6174 and 6176 of Bell Telephone Co. of Canada covering exchange rates.
- 58524. Jan. 16—Approving Bell Telephone Co's Traffic Agreement with George Alexander, Proprietor of Coldstream Telephone System.
- 58525. Jan. 16—Approving Bell Telephone Co's traffic agreement with the Adelaide Telephone Co. Ltd.
- 58526. Jan. 16—Approving Bell Telephone Co's traffic agreement with the West Williams Rural Tel. Ass'n Ltd.
- 58527. Jan. 17—Dismissing application Q.R.L. & P. Co. for relief from contributing to cost of maintaining subway under C.N.R. tracks at La Canardiére Road, Quebec, Que.
- 58528. Jan. 17—Authorizing Village of Montmorency to construct highway crossing of Q.R.L. & P. Co. west of Cote de Courville Road, Que.

58529. Jan. 17—Authorizing the issuing of licence to Colonial Steamships Ltd. for transportation between all ports and places in Canada on Lakes Ontario, Erie, Huron, etc.
58530. Jan. 17—Authorizing the issuing of licence to McKellar Steamships Ltd. for transportation between all ports and places in Canada on Lakes Ontario, Erie, Huron, etc.
58531. Jan. 17—Authorizing C.N.R. to reconstruct bridge over Rouge River, at mileage 12.9, Sorel Subdivision, Quebec.
58532. Jan. 17—Authorizing C.N.R. to add time lock to interlocking plant at Harte and Carberry crossings, Petrel, Man.
58533. Jan. 17—Authorizing C.N.R. to add time lock to interlocking plant at crossing of C.P.R., Knox, Man.
58534. Jan. 17—Authorizing C.N.R. to add time lock to interlocking plant at crossing of C.P.R. at Nokomis, Sask.
58535. Jan. 17—Authorizing C.N.R. to add time lock to interlocking plant at crossing of C.P.R., Balcarres, Sask.
58536. Jan. 17—Authorizing C.N.R. to add time lock to interlocking plant at C.P.R. crossing, Regina, Sask.
58537. Jan. 17—Authorizing C.N.R. to add time lock to interlocking plant crossing over C.P.R. at Conquest, Sask.
58538. Jan. 17—Providing for distribution of cost *re* Order 56295, requiring C.N.R. to construct overhead bridge near Keene Station, Ont.
58539. Jan. 17—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R., Gladstone, Man.
58540. Jan. 17—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R., Woodman, Man.
58541. Jan. 17—Authorizing Algoma Central & H.B. Ry. Co. to construct farm crossing over main line at Wawa, Ont.
58542. Jan. 17—Authorizing C.N.R. to add time locks to interlocking plant at crossing over C.P.R. at West Tower, Portage la Prairie, Man.
58543. Jan. 18—Authorizing C.N.R. to add time locks to interlocking plant at crossing over C.P.R., West Winnipeg, Man.
58544. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. at Griffin, Sask.
58545. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. at Frobisher, Sask.
58546. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. near Diamond, Man.
58547. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. near Villette, Man.
58548. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. near Matsqui, B.C.
58549. Jan. 18—Authorizing C.N.R. to construct private siding across Barrie Road, Orillia, Ont.
58550. Jan. 18—Authorizing C.P.R. to construct branch line to serve Minto Coal Co. Ltd., etc., Parish of Canning, N.B.
58551. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. near Doddsland, Sask.
58552. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R., Carberry, Man.
58553. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. near Oban, Sask.
58554. Jan. 18—Approving Supplement No. 3 to Canadian Freight Classification No. 19.
58555. Jan. 18—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. near Neely, Sask.
58556. Jan. 16—Authorizing C.N.R. to add time lock to interlocking plant at crossing over C.P.R. near Munroe, Man.
58557. Jan. 18—Permitting C.N.R. to close flag station at Monmouth Road, Ontario.
58558. Jan. 18—Permitting Brantford Public Utilities Comm'n to remove watchmen at crossing of L.E. & N.Ry. on Morrell Street, Brantford, Ont.
58559. Jan. 18—Permitting Brantford Public Utilities Comm'n to remove watchmen at crossing with C.N.R. on East Colborne Street, Brantford, Ontario.
58560. Jan. 18—Declaring Grand River Ry. crossing of Kent Ave., Kitchener, Ont., protected to Board's satisfaction.
58561. Jan. 19—Declaring C.N.R. crossing west of Britton Station, Ont., protected to Board's satisfaction.
58562. Jan. 19—Declaring Northern Alberta Ry. crossing of Peace River Highway west of Morinville Station, Alta., protected to Board's satisfaction.
58563. Jan. 19—Declaring C.N.R. crossing of Provincial Highway No. 3 east of Canfield Jct., Ont., protected to Board's satisfaction.

- 58564. Jan. 19—Directing C.N.Rys. to install bell and wigwag at C.N.R. crossing of Broadway St., Yorkton, Sask.
- 58565. Jan. 19—Permitting Wabash Ry. Co. to amend Tariff C.T.C. 1859 on less than statutory notice to correct error.
- 58566. Jan. 19—Declaring C.N.R. crossing of Woodstock St., Tavistock, Ont., protected to Board's satisfaction.
- 58567. Jan. 20—Approving installation of unloading point, etc., of Bruce Coal Co. Ltd., Ottawa West, Ont., C.P.R.
- 58568. Jan. 20—Approving Operating Rules of Niagara, St. Catharines & Toronto Ry. Company.
- 58569. Jan. 20—Approving Bell Telephone Co's Traffic Agreement with the Bolton Telephone Co. Limited.
- 58570. Jan. 20—Approving abandonment of operation of C.N.R. spur track near Burford, Ontario.
- 58571. Jan. 20—Providing for distribution of cost *re* Order 57992 authorizing R. M. of Lorne, Man., to close certain crossings of C.N.R., etc.
- 58572. Jan. 20—Declaring C.P.R. crossing of highway, Wetaskiwin, Alta., protected to Board's satisfaction.
- 58573. Jan. 22—Declaring C.N.R. crossing south of Marmora Station, Ont., protected to Board's satisfaction.
- 58574. Jan. 22—Authorizing Commissioner Stoneman to sign Orders, etc., during absence of Asst. Chief Commissioner and Deputy Chief Commissioner.
- 58575. Jan. 22—Declaring C.N.R. crossing (Whitfield's) south of Peterborough, protected to Board's satisfaction.
- 58576. Jan. 22—Declaring C.N.R. crossing first north of Jonquiere Station, Que., protected to Board's satisfaction.
- 58577. Jan. 22—Declaring Essex Terminal Ry. crossing of Howard Ave., Windsor, Ont., protected to Board's satisfaction.
- 58578. Jan. 22—Declaring C.N.R. crossing west of Sorel Station, Que., protected to Board's satisfaction.
- 58579. Jan. 22—Declaring C.N.R. crossing of Rose de Lima St., Montreal, Que., protected to Board's satisfaction.
- 58580. Jan. 22—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Section 3.
- 58581. Jan. 22—Declaring C.N.R. crossing of St. Francois St., east of Victoriaville Station, Que., protected to Board's satisfaction.
- 58582. Jan. 30—Approving installation of unloading rack, etc., of Imperial Oil Co. near C.P.R. at Leader, Sask.
- 58583. Jan. 23—Relieving C.N.R. from fencing portion of right of way at Bengough, Sask.
- 58584. Jan. 23—Declaring C.N.R. crossing of Knox Lane, Kingston, Ont., protected to Board's satisfaction.
- 58585. Jan. 24—Authorizing the City of St. Boniface, Man., to construct Elizabeth Road across C.P.R. tracks.
- 58586. Jan. 23—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Sydney & Louisburg Ry. under Section 9.
- 58587. Jan. 23—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Sydney & Louisburg Ry. Co., under Section 9.
- 58588. Jan. 23—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.R. under Section 3.
- 58589. Jan. 23—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Fredericton & Grand Lake Coal & Ry. Co. under Section 9.
- 58590. Jan. 23—Declaring C.N.R. crossing of Charlotte St., Peterborough, Ont., protected to Board's satisfaction, speed limitation of 10 miles an hour to be maintained.
- 58591. Jan. 24—Declaring C.N.R. crossing of Kent St., Lindsay, Ont., protected to Board's satisfaction, speed limitation of 10 miles an hour to be maintained.
- 58592. Jan. 23—Declaring C.P.R. crossing of Thames St., Ingersoll, Ont., protected to Board's satisfaction.
- 58593. Jan. 24—Approving protection by flagman at crossing of Young St., by C.N.R., Truro, N.S.
- 58594. Jan. 25—Authorizing Department of Public Works of Manitoba to construct highway crossing over C.P.R. near Julius, Man.
- 58595. Jan. 25—Authorizing the issuing of Licence to Union Transit Co. for transportation between ports on Great Lakes and St. Lawrence River and connecting waters.
- 58596. Jan. 25—Amending Order 58137 authorizing Department of Roads of Quebec to construct highway crossing over C.P.R. on Highway No. 48, etc.
- 58597. Jan. 26—Approving cancellation of Item 29 of Canadian Freight Classification No. 19.
- 58598. Jan. 25—Declaring C.N.R. crossing east of Arnprior Station, Ont., protected to Board's satisfaction.

- 58599. Jan. 25—Declaring C.N.R. crossing of highway east of Capreol station, Ont., protected to Board's satisfaction.
- 58600. Jan. 26—Declaring C.N.R. crossing M. 173-90, Gananoque Subdivision, protected to Board's satisfaction.
- 58601. Jan. 27—Declaring C.N.R. crossing south of Charlesbourg station, Que., protected to Board's satisfaction, speed limitation of 10 miles an hour to be maintained.
- 58602. Jan. 29—Authorizing the issuing of licence to Hall Corporation of Canada for transportation by water between ports in Canada on Lake Ontario, St. Lawrence River and tributaries.
- 58603. Jan. 29—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Section 3.
- 58604. Jan. 30—Permitting T.H. & B.Ry. to remove derails at N.Y.C. crossing near Diltz, Ont.
- 58605. Jan. 29—Authorizing C.P.R. to use and operate Bridge No. 10-44 Southampton Subdivision, New Brunswick District.
- 58606. Jan. 30—Authorizing C.N.Rys. to operate over subway at Coteau du Lac, Que.
- 58607. Jan. 30—Approving Standard Passenger Tariff C.T.C. No. 4, and Standard Goods Tariff No. 5 of Quebec Airways Ltd.
- 58608. Jan. 30—Declaring C.P.R. crossing east of Tilbury Station, Ont., protected to Board's satisfaction.
- 58609. Jan. 30—Approving Bell Telephone Co's Supplement No. 1 to service station contract with Montreal Light, Heat & Power Consolidated.
- 58610. Jan. 30—Authorizing C.P.R. to operate under International Nickel Co's bridge at Copper Cliff, Ontario.

NOTICES, ORDERS IN COUNCIL, ETC.

The following Order in Council is reproduced for the information of all concerned:—

P.C. 395

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of January, 1940.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of said Part III, license aircraft to transport passengers and/or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada;

And whereas sub-section 1 (b) of Section 15 of The Transport Act, 1938, aforesaid, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of said Part III may fittingly be applied to such air services;

And whereas under date the 18th of January, 1940, the Board of Transport Commissioners for Canada has advised that it is of the opinion that all the provisions of Part III of The Transport Act, 1938, may fittingly be applied to air services between the undermentioned points and places, designated for identification purposes by the route number shown, and

recommends that the said points and places be named by the Governor General in Council under the provisions of Section 15 (1) (b), namely, as follows:—

Route No.	Points and Places
C. 54	Kenora, Rowan Lake, Straw Lake, Witch Bay, Whitefish Bay, Flint Lake, in the Province of Ontario;

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered.

Now therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection 1 (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above named points and places as recommended by the Board of Transport Commissioners for Canada.

H. W. LOTHROP,
Acting Clerk of the Privy Council.

NOTICE OF CHANGE OF SCHEDULED FREQUENCY

File No. 42007.4.9

Authority has been granted, effective January 25, 1940,, to Canadian Airways Limited to substitute the following schedule of service between Kenora, Witch Bay, Whitefish Bay, Straw Lake, Rowan Lake, Populus Lake, in the Province of Ontario, in lieu of the monthly service required by page 2 of Licence Number C.T.C. (A.T.) 23, issued to the said company on June 12, 1939:—

“MONTHLY—Kenora, Rowan Lake, Straw Lake;

Flag stops as required by traffic on the monthly schedule—Witch Bay, Whitefish Bay, Populus Lake.”

“NOTICE OF CHANGE OF SCHEDULED FREQUENCY

File No. 42007.5.4

Authority has been granted to Quebec Airways Limited to substitute a monthly scheduled service between Montreal and Quebec, in the Province of Quebec, in lieu of the weekly service required by page 2 of Licence Number C.T.C. (A.T.) 36, issued to the said company on July 17, 1939.

The amendment to the frequency is effective from January 26, 1940, to the expiry date of the said Licence, namely, July 10, 1940.”

NOTICE OF CHANGE OF SCHEDULED FREQUENCY

File No. 42007.19.8

Authority has been granted, effective February 3, 1940, to Wings Limited to substitute the following schedule of service between Winnipeg and/or Lac du Bonnet, Little Grand Rapids, Manitoba; Deer Lake, Ontario; Island Lake, Gods Lake, Ilford, Norway House, Manitoba; and Sachigo, Ontario, between which points Licence Number C.T.C. (A.T.) 38 was issued to the said Company on August 12, 1939, in lieu of the service required by Page 2 of the Licence and set out in Order of the Board No. 57815, dated August 5, 1939, authorizing the issuance thereof:—

WEEKLY—Winnipeg and/or Lac du Bonnet, Gods Lake;

MONTHLY—Sachigo, Ilford, Norway House;

Flag stops as required by traffic on the weekly schedule—Little Grand Rapids, Deer Lake, Island Lake.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

OTTAWA, MARCH 1, 1940

No. 25

This publication is issued fortnightly, on the 1st and 15th of each month. Annual subscription, \$3.00; single numbers, 20 cents; in quantities, 25 per cent discount. Remittances should be made to the King's Printer, Ottawa, by postal money order, express order or accepted cheque. The use of currency for this purpose is contrary to the advice of the postal authorities and entails a measure of risk. Postage stamps, foreign money or uncertified cheques will not be accepted. No extra charge is made for postage on documents forwarded to points in Canada and in the United States, but cost of postage is added to the selling price when documents are mailed to other countries. Early application should be made for copies in quantities. Subscriptions should be sent, in every case, to the King's Printer, Ottawa.

Complaint of the United Grain Growers, Limited, Winnipeg, Man., and the Manitoba Federation of Agriculture, Winnipeg, Man., against the instructions issued by The Railway Association of Canada that effective September 15th it will be impossible to supply any 40-ton cars on orders for 30-ton cars, or 50-ton cars on orders for 40-ton cars.

File 18705.537.

Heard at Winnipeg, October 12, 1939

JUDGMENT

STONEMAN, COMMISSIONER:

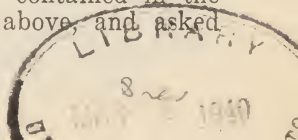
On September 11, 1939, The Railway Association of Canada wrote a letter to certain parties, in the following terms—

"Gentlemen,—Due to the extraordinary conditions prevailing at present, and the demand for classes of railway equipment, the railways have found it necessary to issue instructions to their agents that, effective at 24·01 Friday, September 15th, it will be impossible to supply any 40-ton cars on orders for 30-ton cars, or 50-ton cars on orders for 40-ton cars.

The Association considers that under existing conditions the various units of the grain and coal trades will be glad to co-operate with the railways to ensure maximum loading, and in order that full use may be made of railway equipment it is requested that the cars, on arrival at destination, be unloaded as promptly as possible."

"North West Grain Dealers Assn., Winnipeg, Man.
Manitoba Wheat Pool, Winnipeg, Man.
United Grain Growers, Winnipeg, Man.
Saskatchewan Wheat Pool, Regina, Sask.
Western Grain Dealers Assn., Calgary, Alta.
Alberta Wheat Pool, Calgary, Alta.
Western Canada Fuel Assn., Winnipeg, Man."

On September 19, 1939, the United Grain Growers Limited and the Manitoba Federation of Agriculture protested against the ruling contained in the letter of The Railway Association of Canada, referred to above, and asked



that the matter be dealt with by the Board. On September 28, 1939, the following parties were advised of a hearing of this matter, in Winnipeg, on October 10, 1939, at 10 a.m.—

H. A. Stimpson, Supt. of Traffic, United Grain Growers, Winnipeg.
 Manitoba Federation of Agriculture, Winnipeg, Man.
 C. P. Riddell, Gen'l, Sec'y. Railway Assn. of Canada, Montreal.
 I. C. Rand, K.C., Commission Counsel, C.N.Rys., Montreal.
 Geo. A. Walker, K.C., Gen'l. Solicitor, C.P.Ry., Montreal.
 J. A. Brass, Sec'y. Ry. Assn. of Canada, Winnipeg.
 North West Grain Dealers Assn., Winnipeg, Man.
 Manitoba Wheat Pool, Winnipeg, Man.
 Saskatchewan Wheat Pool, Regina, Sask.
 Western Grain Dealers, Calgary, Alta.
 Alberta Wheat Pool, Calgary, Alta.
 Western Canada Fuel Assn., Winnipeg, Man.
 S. B. Brown, Mgr., Transportation Dept., Can. Mfrs. Assn., Toronto.
 T. Marshall, Traffic Mgr., Board of Trade, Toronto.
 J. K. Smith, Mgr. Board of Trade, Montreal, P.Q.

When the matter was called, Mr. Stimpson on behalf of the United Grain Growers, appeared in support of the complaint; but the other protesting party—the Manitoba Federation of Agriculture—did not appear. Mr. Stimpson states, at p. 2177 of the record—

“Prior to the crop season 1936-37, it had always been the practice of the railways to supply 40-ton cars in lieu of 30-ton cars, or 50-ton cars in lieu of 40-ton cars, as occasion required. We never ran into any difficulty with them in that respect. They did, however, rule in those days that once a 40-ton car was supplied it had to be loaded strictly in accordance with the specifications of that of a 30-ton car. For reasons best known to the railways, at the beginning of the crop season of 1936-37 they saw fit to make a change in those regulations. They still continued to supply 40-ton cars in lieu of 30-ton cars, or 50-ton cars in lieu of 40-ton cars, but they ruled that the actual weight would govern.

“In other words, under the old ruling, if a shipper ordered a 30-ton car and he was supplied with a 40-ton car and he loaded 74,000 pounds into that car, the railways immediately assessed the minimum of 80,000 pounds, maintaining the farmer had too much grain for a 30-ton car, but not sufficient grain for a 40-ton car.

“Under the ruling which became effective in August of 1936, they permitted the actual weight to govern and did not penalize the shipper generally if he ordered a 30-ton car, and the car turned out 7,000 or 6,000 pounds short of the tariff minimum.”

When Mr. Stimpson concluded the presentation of his case, Mr. D. I. McNeill, K.C., Counsel for the C.P. Railway Company submitted, on behalf of both railway companies that the complainant (Mr. Stimpson) had not made out a case which called for intervention by the Board. At p. 2219 he says—

“... If, however, the Board is not now prepared to dismiss the complainant's application, and feels that evidence on the part of the railways, and a formal answer to the case presented by the complainant should be made, I renew my application for leave to the railways to do that, after I have an opportunity of studying what Mr. Stimpson has said.”

At p. 2224, the presiding Commissioner (Deputy Chief Commissioner Garceau) states—

“We will have to give this case consideration. At this time Judgment is reserved, and if we think further evidence is necessary, we will give you the opportunity of presenting it.”

On November 7th, 1939, the railway companies filed written submissions, to which Mr. Stimpson, on behalf of the United Grain Growers Limited replied, under date of November 18th, 1939. On November 29th, 1939, Mr. Stimpson again wrote the Board enclosing copy of a letter dated November 18th, 1939, addressed to his Company by Mr. G. H. Luck, Traffic Manager, Washburn Crosby Company, Limited, Central Division of General Mills Inc., Gold Medal Flour, Minneapolis, Minn. On December 5th, 1939, a copy of this communication was sent by the Secretary of the Board to the Canadian Pacific and Canadian National Railways, in terms of the following—

“Referring to the above mentioned complaint, I am directed to enclose copies of letters from the United Grain Growers Limited, dated respectively, November 18th and 29th, 1939, with a copy of a letter from the Washburn Crosby Company, dated November 18th, 1939, addressed to the United Grain Growers Limited, for your comments thereon, if any.”

On January 8th, 1940, the joint submission of the two railways was filed with the Board, commenting on the material referred to above, and copies of these submissions were sent by the railway companies to Mr. Stimpson of the United Grain Growers Limited. Under date of January 12th, 1940, further submissions were filed by Mr. Stimpson, in reply to those of both railway companies.

I propose herein to deal, very briefly, with Mr. Stimpson's presentation. First, as to his statement on p. 2177 of the record as quoted above and his reference to Judgments of the Board in the years 1915 and 1917.

As purporting to have some relevancy in support of his complaint, Mr. Stimpson referred to a Judgment of the Board in 1917, concerning carload minimum weights on grain and grain products moving between points in Eastern Canada. In that year, the railways provided in their tariffs for very substantial increases in the carload minimum weights on grain and grain products and complaints were filed with the Board, and the matter was heard at a sittings in Ottawa. The Board found that the objections to the increased minimum weights on grain and grain products, except flour, had not been justified, and the complaints regarding same were dismissed. As to flour, for the reasons set out in the Judgment, the Board stated a case had been made out for an increase in the minimum weights but not to the full extent proposed by the tariffs. The Board stated:—

“No general rule can be laid down. Each case must be looked into on its own merits. It is a question of judgment what is a fair mean between the physical carrying power of the car, and the public interest as affected thereby, and the conditions under which business is carried on.”

The Board further stated in its Judgment:—

“In fixing a minimum, it must be recognized that it is in the general interest to increase loading wherever reasonably possible, as this increases the efficiency of the rolling stock. To endeavour to make such increase is not only good railway practice but is also in the public interest. The Government statistics for 1915, when analyzed, show that the average freight car made 23 trips per annum. Heavier loading, other things being equal, will increase the car efficiency.”

This statement supports the position taken by the railways and against which Mr. Stimpson complains.

In the Order issued pursuant to the Judgment, it was stated:—

“That should the railway company, for its own convenience, furnish a larger capacity car in lieu of a car of 60,000 pounds or 70,000 capacity

required by the shipper, the minimum weight shall be that for the car so required, provided that the weight actually loaded does not exceed the maximum load for the type of car so required."

This does not *require* the railway to furnish a larger capacity car than required by the shipper, but merely says that, should the railway do so *for its own convenience*, the minimum weight shall be that for the car required. If the railway does not find it convenient to supply the larger car, it is under no compulsion whatever to do so. The situation is the same in Western Canada. There is no tariff or other regulation in effect compelling the railways to conform with their past practice in this regard, but the railways have stated the larger cars will no longer be supplied for the convenience of the railway.

Mr. Stimpson also referred to a Judgment of the Board in 1915, in which it stated that:—

"Had the railway company carried on its Equipment Register the type of car asked for, and had it, for its own convenience, furnished a larger car, then the minimum of the car asked for should have applied."

Here again, a careful reading of the Judgment shows that it does not mean that the shipper could demand a larger car than asked for at the minimum weight of the latter. Further, this Judgment does not require the railway to protect the minimum weight for a car of a type not carried on the Equipment Register of the company. While the railways have some 30-ton cars on their Equipment Register, it is stated that none of those on the Western Lines of the Canadian Pacific Railway is fit for grain loading and only 50 cars are available for grain loading on the Western Region of the Canadian National Railways, so that these cars are practically extinct so far as grain loading is concerned.

At the sittings of the Board in Ottawa, on July 17th, 1937, in the matter of demurrage charges on bulk grain unloaded into public or semi-public terminal elevators at points in Western Canada, to which Mr. Stimpson referred, Mr. MacPherson, K.C., Counsel for the Manitoba and Saskatchewan Pool Elevators, placed on the record the number of cars of grain handled at the head-of-the-lakes during the years 1927 to 1937, as follows:—

1927.....	234,871
1928.....	240,797
1929.....	295,293
1930.....	127,623
1931.....	157,808
1932.....	128,433
1933.....	147,109
1934.....	107,943
1935.....	110,979
1936.....	116,816
1937.....	81,737 to May 31st.

It can readily be understood from the foregoing that the railways were not strained to find cars to accommodate the grain offered for shipment in recent years and were in a position to extend the privilege which has now been withdrawn. It was also there shown that, while between 1930 and 1937, the number of cars available for grain movement had decreased by 15 per cent, there had been an increase in the size and capacity of the cars, leaving a net decrease in carrying capacity of 5·8 per cent. If, however, this increased carrying capacity is not to be permitted to be fully utilized under conditions such as created by the large crop of last year and the increased demand for cars following the outbreak of war, it presents a very serious situation for the railways and creates a condition which is against the best interest of not only grain shippers but all shippers as well as the public and national interest.

And secondly, as to Mr. Stimpson's final submissions, dated January 12th, 1940, last two paragraphs on p. 2 and first paragraph on p. 3, he states:—

"We are attaching hereto a statement of 228 direct farmers' cars consigned to this Company only, before September 15th, showing what the loss to them would have been if they had not been able to get protection for the size of car ordered, i.e. \$5,495.80. This took place in a year with the third largest crop in the history of the West. The amount would be much greater in years when crops were lean or average."

"It was argued during the hearing of this case that this condition was possibly attributable to the fact that the farmer had more grain, but possibly refused to co-operate with the railway. As a result of this we have made an investigation into the cars shipped subsequent to September 14th. We wrote each shipper to advise us if the grain in said shipment represented his entire crop of the kind of grain loaded. We also asked him to advise us the distance from his farm to the loading platform utilized, as against the distance to the nearest elevator, as this point was also raised at the hearing.

"Attached hereto is a statement of the cars affected, with a certified copy of a letter, giving the information asked for. In each and every case queried, it will be noted that the shipper loaded his full crop of the kind of grain shipped. Also that the extra haul to an elevator would have incurred a heavy loss in additional haulage costs. We submit this information in further substantiation of our oral argument at the time of the hearing on this question."

The first statement filed by Mr. Stimpson, as referred to above and relating to grain shipped by farmers between August 1st and September 14th, 1939, and on which losses of \$5,495.80 would have had to be met by the shippers had they not been able to get protection for the size of car ordered. The 228 cars listed represent a total weight of 14,919,904 pounds of grain. Assuming these cars were 40-ton cars, the minimum capacity weight amounts to 18,240,000 pounds and the maximum capacity weight to 21,660,000 pounds. On the former basis it appears that the cars were loaded to 82 per cent of capacity, and on the latter basis to 69 per cent of capacity. It is therefore apparent that on the minimum weight capacity there was unused available space in those 228 cars, for 3,320,096 pounds, which amount translated into units of 80,000 pounds would represent about 42 cars.

Looking over the list, it is interesting to note that the contents of 100 cars could not have been loaded into 30-ton cars. To arrive at this conclusion, it is assumed that 30-ton cars can handle 66,000 pounds. Any car showing a load in excess of 66,000 pounds was therefore judged to belong to an 80,000-pound car. The remaining 128 cars show a loss from the minimum 40-ton loading of 2,414,926 pounds, representing about 30 cars.

The average car cycle from lake head to points in Manitoba and Saskatchewan for loading and return to lake head for unloading is taken to represent 13 days, which is probably on the conservative side if anything. It is therefore evident that on the 228 cars, the number of car days lost to the railways amounted to 546 and on the 128 cars to 390 car days.

The second statement submitted by Mr. Stimpson refers to 18 cars of grain moved after September 15th, on which the shippers had to pay dead freight charges. Upon analysis, it is established that the contents of 11 of these cars could not have been accommodated in 30-ton cars. The dead weight loss on these 11 cars is equivalent to 13 car days.

It is interesting to note that the average weight of contents of the 228 cars was about 65,000 pounds, whereas the average weight of the 18 cars was over

68,000. This alone is indicative of the amount of saving to the railways brought about by the rescinding of the loading privilege, since the 18 cars were handled after September 15th; whereas the 228 cars were loaded when the farmers were enjoying the privilege extended by the rail carriers.

The total grain loadings from August 1st to December 31st for the year 1939 amounted to 188,000 cars. Assuming that the railways had not rescinded the privilege now under consideration, which the grain growers had been enjoying during the last three years, it is interesting to estimate what it would have meant from the national viewpoint in equipment space lost. Using Mr. Stimpson's own ratio (Page 2188 of the evidence) and applying it to the 188,000 grain cars, the estimated dead freight would have been in the neighbourhood of 500,000,000 pounds—translated into number of cars of 40-ton capacity this would mean about 6,250 cars, representing over 80,000 car days lost to the railways.

From what is set out above, I think it is clearly shown that, continuation of a practice involving such tremendous loss in use of railway equipment is not in the best interests of even the class of shipper Mr. Stimpson represents, and certainly could not be justified under present critical conditions.

Apart altogether, however, from what is offered in evidence to substantiate the statement that the railway's ruling will impose a great hardship and financial loss upon the shipper of grain in Western Canada, the question to be decided, to my mind, is whether the railway has the right to extend a privilege to shippers, under certain conditions, so long as it is not unjustly discriminatory to any of the shippers embraced in the territory affected, and when the conditions existing at the time the privilege was granted have materially changed, it is their privilege to withdraw it. I would hold, the action taken here is one which is the right of a railway and, even if it were not, I would hold that, under present conditions and the necessity for maximum utilization of railway equipment, in the national interest, the application should be dismissed.

OTTAWA, January 23rd, 1940.

Commissioner STONE concurred

Complaint of the United Grain Growers, Limited, Winnipeg, Man., and the Manitoba Federation of Agriculture, Winnipeg, Man., against the instructions issued by The Railway Association of Canada that effective September 15th it will be impossible to supply any 40-ton cars on orders for 30-ton cars, or 50-ton cars on orders for 40-ton cars.

File 18705.537

GARCEAU, Deputy Chief Commissioner:—

Mr. Stimpson's submissions rest on the fact that shippers had, for years prior to September 15, 1939, enjoyed the privilege or advantage of using 40-ton cars in lieu of 30-ton cars, or 50-ton cars in lieu of 40-ton cars, when the cars requested were not available.

He does not claim that railways could at first have been directed to give this accommodation, but only that, having granted and maintained it for years, it became mandatory for the railways to continue such practice.

I do not know of any legal enactments giving force and effect to the French dictum "L'usage fait loi."

I agree with Mr. Commissioner Stoneman's Judgment.

OTTAWA, February 12, 1940.

ORDER No. 58693

In the matter of the complaint of the United Grain Growers Limited, of Winnipeg, Manitoba, and the Manitoba Federation of Agriculture, Winnipeg, Manitoba, against the instructions issued by The Railway Association of Canada that, effective September 15, 1939, it will be impossible to supply any 40-ton cars on orders for 30-ton cars, or 50-ton cars on orders for 40-ton cars.

File No. 18705-537

TUESDAY, the 13th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*

Upon hearing the complaint at the sittings of the Board held at Winnipeg, October 12, 1939, in the presence of Counsel for and representatives of the United Grain Growers Limited, Canadian National Railways, Canadian Pacific Railway Company, and the Railway Association of Canada, and what was alleged—

It is ordered: That the complaint be, and it is hereby, dismissed.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER NO. 58615

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822-12

THURSDAY, the 1st day of February, A.D. 1940.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in item 215 of Supplement No. 3 to Tariff C.T.C. No. E. 4897, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 215 of Supplement No. 3 to Tariff C.T.C. No. E. 4897, approved herein, are as follows:—

Item 215	To	Cents per 100 pounds
	Biggar, Sask.	101
	Brandon, Man.	84
	Calgary, Alta.	105
	Dundurn, Sask.	100½
	Edmonton, Alta.	105

Item 215—*Concluded*
ToCents per
100 pounds

Emerson, Man..	83½
Estevan, Sask..	90
Eston, Sask..	104½
Humboldt, Sask..	99½
Indi, Sask..	100½
Kindersley, Sask..	104½
Krydor, Sask..	104½
Melfort, Sask..	100½
Melville, Sask..	90
Moose Jaw, Sask..	92
Neepawa, Man..	84
North Battleford, Sask..	102
Portage la Prairie, Man..	83½
Prince Albert, Sask..	101
Regina, Sask..	92
Rosetown, Sask..	103½
Saskatoon, Sask..	100½
Swift Current, Sask..	95½
Tallman, Sask..	104½
Unity, Sask..	103
Watrous, Sask..	99½
Weyburn, Sask..	92
Winnipeg, Man..	81½
Yorkton, Sask..	90

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER NO. 58616

*In the matter of tariffs, and supplements to tariffs, filed under the provisions of
the Maritime Freight Rates Act*

File No. 34822·13

THURSDAY, the 1st day of February, A.D. 1940.

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in item 113 of Supplement No. 19 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 113 of Supplement No. 19 to Tariff C.T.C. No. 1063, approved herein, are as follows:—

Item 113

From

Cents per
100 pounds

Canning, N.S..	7½
Coldbrook, N.S..	7½
Port Williams, N.S..	7½
Windsor, N.S..	6½
Mount Uniacke, N.S..	5

F. NAP. GARCEAU,
Deputy Chief Commissioner.

ORDER NO. 58624

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822·2

MONDAY, the 5th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3, namely:—

Supplement No. 46 to Tariff C.T.C. No. E. 1504
Supplement No. 66 to Tariff C.T.C. No. E. 1829
Supplement No. 58 to Tariff C.T.C. No. E. 2248
Supplement No. 32 to Tariff C.T.C. No. E. 2474
Supplement No. 26 to Tariff C.T.C. No. E. 2629

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58625

In the matter of the application of L. E. Kipp, Agent, hereinafter called the "Applicant," for and on behalf of carriers, for permission to amend rates on edible nuts covered by Items 1145 C, 1155 A and 1160 C of Supplement 16 to Tariff C.T.C. No. 723, on less than statutory notice.

File No. 27612.218

TUESDAY, the 6th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant has filed the foregoing Supplement, to become effective February 15, 1940, and desires to modify the increased rates therein on less than statutory notice by—

- (a) postponing effective date on such rates from Vancouver, B.C., to March 15, 1940;
- (b) substituting minimum carload weight of 40,000 pounds for matter controlled by circle reference (4) of Item 1145 C;
- (c) substituting rates from British Columbia ports to preserve uniformity with rates from United States Pacific ports;

And upon full consideration of the application, and recommendation of the Board's Assistant Director of Traffic—

The Board orders: That the Applicant be, and he is hereby, granted authority to amend Items 1145 C, 1155 A and 1160 C of Supplement No. 16 to the Applicant's tariff C.T.C. No. 723, in the manner above indicated, upon five days' notice.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58626

In the matter of the application of Dominion Skyways Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 4 and Standard Goods Tariff C.T.C. No. 5, on file with the Board under file No. 42017.13.

TUESDAY, the 6th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 4 and Standard Goods Tariff C.T.C. No. 5 of Dominion Skyways Limited, effective February 24th, 1940, on file with the Board under file No. 42017.13, be, and they are hereby, approved.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58633

In the matter of the application of the Abitibi Navigation Company, Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076.18

WEDNESDAY, the 7th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

F. N GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ship for the purpose of such transportation, namely:—

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Wahcondah	102577	1,575

And whereas, in pursuance of Order No. 57497, dated 25th May, 1939, Licence No. C.T.C. (W.T.) 22 was issued for the period of one year from January 15th, 1939—

Therefore it is ordered that Licence No. C.T.C. (W.T.) 32 be issued to the Applicant for the period of one year from January 15th, 1940.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58634

In the matter of the applications of Canadian Airways Limited, Starratt Airways & Transportation Limited, and Wings Limited, hereinafter called the "Applicants," for authority to waive the provisions of Rules 3 and 10 of the General Order of the Board No. 580, dated 16th December, 1938, in the publication of the undermentioned schedules.

File No. 27612·219

WEDNESDAY, the 7th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

Whereas the Applicants have applied for authority to publish tariffs or supplements on less than statutory notice, and to omit symbols denoting increases and reductions, in respect of the following tariffs:—

Canadian Airways Limited—C.T.C. 10, 12, 18, 19, 20.

Starratt Airways & Transportation Limited—C.T.C. 2, 7, 8.

Wings Limited—C.T.C. 4.

And whereas such tariffs are being subjected to revisions involving both increases and reductions in rates pursuant to the judgments of the Board dated November 10, 1939, *in re* "Tariff Regulations of Air Carriers" (File No. 42379), and December 15, 1939, *in re* "Discounts from Monthly Transportation Accounts and Contract Rates" (File No. 42274)—

Therefore the Board orders: That, pursuant to the recommendation of its Director of Traffic, the Applicants may deviate from Rules 3 and 10 of the said General Order No. 580, dated 16th December, 1938, and publish such revised rates upon three days' notice, and may omit thereon symbols denoting increases or reductions.

And the Board further orders: That tariffs so authorized shall be published to become effective on the same date.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER NO. 58642

In the matter of tariffs and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822·15

THURSDAY, the 8th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Supplement No. 27 to Tariff C.T.C. No. 194, filed by the Fredericton & Grand Lake Coal & Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of section 9 of the said Act, on traffic carried under the said Supplement No. 27 to Tariff C.T.C. No. 194, approved herein, are as follows:—

To	Cents per ton of 2,000 lbs.
St. Modeste, Que.	300
Whitworth, Que.; St. Honore, Que.	290
Vauban, Que.	280
Cabano, Que.	260
Notre Dame du Lac, Que.	250
St. Hilaire, N.B.	230
Clairs, N.B.; Ledges, N.B.; Connors, N.B.	250

The Temiscouata Railway Company's proportions to be reported as shown below, the Canadian Pacific Railway Company the balance.

To	Cents per ton of 2,000 lbs.	
	Billed	Normal
St. Modeste, Que.	130	160
Whitworth, Que.; St. Honore, Que.	120	150
Vauban, Que.	110	140
Cabano, Que.	100	120
Notre Dame du Lac, Que.	90	110
St. Hilaire, N.B.	70	90
Clairs, N.B.; Ledges, N.B.; Connors, N.B.	90	110

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER NO. 58643

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822-12

THURSDAY, the 8th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in item 215A of Supplement No. 4 to tariff C.T.C. No. E. 4897, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said item 215A of Supplement No. 4 to tariff C.T.C. No. E. 4897, approved herein, are as follows:—

Item 215A.	To	Cents per 100 pounds
	Alsask, Sask.	105
	Altawan, Sask.	100½
	Assiniboia, Sask.	95½
	Biggar, Sask.	101
	Big River, Sask.	105
	Brandon, Man.	84
	Calgary, Alta.	105
	Canora, Sask.	90
	Cardston, Alta.	102½
	Dauphin, Man.; Deloraine, Man.	87½
	Drumheller, Alta.	105
	Dundurn, Sask.	100½
	Edmonton, Alta.	105
	Emerson, Man.	83½

Item 215A—*Concluded*
ToCents per
100 pounds

Estevan, Sask..	90
Eston, Sask..	104½
Flin Flon, Man..	102
Gravelbourg, Sask..	95
Hanna, Alta..	105
Hardisty, Alta..	103½
High River, Alta..	102
Humboldt, Sask..	99½
Indi, Sask..	100½
Kamsack, Sask..	90
Kerrobert, Sask..	103½
Kindersley, Sask.; Krydor, Sask..	104½
Lacombe, Alta..	104½
Lethbridge, Alta..	99
Lloydminster, Alta.; Lloydminster, Sask..	104
Macklin, Sask..	103½
Maple Creek, Sask..	96½
Medicine Hat, Alta..	98½
Melfort, Sask..	100½
Melville, Sask..	90
Moose Jaw, Sask..	92
Neepawa, Man..	84
Nipawin, Sask..	99½
North Battleford, Sask..	102
Portage la Prairie, Man..	83½
Prince Albert, Sask..	101
Radisson, Sask..	101
Radville, Sask..	92
Regina, Sask..	92
Rocky Mountain House, Alta..	108
Rosetown, Sask..	103½
Russell, Man..	87
Saskatoon, Sask..	100½
St. Walburg, Sask..	104
Scarth, Man..	89½
Shaunavon, Sask..	98½
Souris, Man..	87½
Swan River, Man..	89
Swift Current, Sask..	95½
Tallman, Sask..	104½
The Pas, Man..	100½
Unity, Sask..	103
Vermilion, Alta.; Wainwright, Alta..	104
Warden, Alta..	105
Watrous, Sask..	99½
Wetaskiwin, Alta..	104½
Weyburn, Sask..	92
Willingdon, Alta..	104½
Winnipeg, Man..	81½
Wolseley, Sask..	90½
Yorkton, Sask..	90

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58644

*In the matter of tariffs, and supplements to tariffs, filed under the provisions of
the Maritime Freight Rates Act*

File No. 34822-12

THURSDAY, the 8th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Item 430 C of Supplement No. 16 to Tariff
C.T.C. No. E. 4790, filed by the Canadian Pacific Railway Company under

Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 430 C of Supplement No. 16 to Tariff C.T.C. No. E. 4790, approved herein, are as follows:—

From stations taking Eastbound Rate Groups H, K and L, listed in Canadian Freight Association Tariff C.T.C. No. 1165 Cents per 100 pounds			
	H.	K.	L.
Item 430 C.	149½	152½	153½

From Dominion Atlantic Railway Stations one and one-half cents per 100 pounds to be deducted account of water haul.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58646

In the matter of the application of the Northland Steamship Company Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076-23

THURSDAY, the 8th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ship for the purpose of such transportation, namely:—

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Sarnian	134011	2,656

And whereas, in pursuance of Order No. 57496, dated May 25, 1939, Licence No. C.T.C. (W.T.) 20 was issued for the period of one year from January 15, 1939—

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 34 be issued to the Applicant for the period of one year from January 15, 1940.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58647

In the matter of the application of the Norris Steamships Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076-20

THURSDAY, the 8th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ship for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
James B. Eads.. . . .	153126	3,865

And whereas, in pursuance of Order No. 57495, dated May 25, 1939, Licence No. C.T.C. (W.T.) 18 was issued for the period of one year from January 15, 1939—

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 33 be issued to the Applicant for the period of one year from January 15, 1940.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58650

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822-2

FRIDAY, the 9th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published to St. Honore, Quebec, St. Hilaire and Ledges, New Brunswick, in Supplement No. 58 to Tariff C.T.C. No. E. 2248, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act, the Temiscouata Railway Company's proportions to be reported as shown below.

2. And the Board hereby certifies that the Temiscouata Railway Company's proportions of the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 58 to Tariff C.T.C. No. E. 2248 to St. Honore, Quebec, St. Hilaire and Ledges, New Brunswick, approved herein, are as follows:—

To	Cents per ton of 2,000 lbs.	
	Billed	Normal
St. Honore, Que.. . . .	120	150
St. Hilaire, N.B.. . . .	70	90
Ledges, N.B.. . . .	90	110

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58653

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822-2

MONDAY, the 12th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in Supplement No. 53 to Tariff C.T.C. No. E. 1906, and in Tariff C.T.C. No. E. 3203, filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of the said Section 3.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER NO. 58655

In the matter of the application of Canadian Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Charlottetown, in the Province of Prince Edward Island, and Moncton, in the Province of New Brunswick, with intermediate call at Summerside, Prince Edward Island.

File No. 42007-4

MONDAY, the 12th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas, in pursuance of Order No. 57058, dated February 11, 1939, Licence No. C.T.C. (A.T.) 1 was issued for the period of one year from February 11, 1939—

Therefore it is ordered: That a licence be issued to the Applicant for the period of one year from February 11, 1940, in renewal of the said Licence No. C.T.C. (A.T.) 1.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER NO. 58657

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822-13

MONDAY, the 12th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Item 95 B of Supplement No. 20 to Tariff C.T.C. No. 1063, filed by the Dominion Atlantic Railway Company under

Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 95 B of Supplement No. 20 to Tariff C.T.C. No. 1063, approved herein, are as follows:—

Item 95B Miles	Cents per 100 pounds
20..	3
50..	3½
90..	4½
125..	6
150..	8

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER NO. 58658

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822·13

MONDAY, the 12th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published from Wolfville, Nova Scotia, in Item 148 A of Supplement No. 60 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 148 A of Supplement No. 60 to Tariff C.T.C. No. 1006 from Wolfville, Nova Scotia, approved herein, is 23½ cents per 100 pounds.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER NO. 58659

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act

File No. 34822·13

MONDAY, the 12th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the toll published in Item 171 of Supplement No. 61 to Tariff C.T.C. No. 1006, filed by the Dominion Atlantic Railway Company under

Section 9 of the Maritime Freight Rates Act, be, and it is hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal toll, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 171 of Supplement No. 61 to Tariff C.T.C. No. 1006, approved herein, is 29½ cents per 100 pounds.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER NO. 58663

In the matter of the application of the Georgian Bay Tourist Company of Midland, Limited, under Section 21 of The Transport Act, 1938, for approval of Standard Passenger Tariff C.T.C. No. 1, on file with the Board under file No. 42082-27.

TUESDAY, the 13th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That the said Standard Passenger Tariff C.T.C. No. 1 of the Georgian Bay Tourist Company of Midland, Limited, effective March 1, 1940, on file with the Board under file No. 42082-27, be, and it is hereby, approved.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58649

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 15th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Supplement No. 17 to Tariff C.T.C. No. E. 4790, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Supplement No. 17 to Tariff C.T.C. No. E.4790, approved herein, are as follows:

Item	From stations taking Eastbound Rate Groups H, K and L, listed in Canadian Freight Association Tariff C.T.C. No. 1165		
	Cents per 100 pounds		
	H.	K.	L.
490 B			
L.C.L.....	367½	375	377½
C.L.....	183	186½	188
(6).....	194	198	199
880 B}	198	202	203½
890 B}			

For explanation of reference marks, see Item 490 B of Supplement.

From Dominion Atlantic Railway stations one and one-half cents per 100 pounds to be deducted account of water haul.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58667

In the matter of the application of Wings Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport by aircraft passengers and/or goods between Kenora and Straw Lake, and intermediate points, in the Province of Ontario.

File No. 42007.19.10

THURSDAY, the 15th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Whereas the Applicant is an incorporated company and has applied for a licence, under the provisions of The Transport Act, 1938, to transport by aircraft passengers and/or goods on a scheduled route between the following points and places:—

Kenora, Witch Bay, Whitefish Bay, Flint Lake, Rowan Lake,
Straw Lake, in the Province of Ontario;

which points and places are specifically named by the Governor in Council under Order in Council P.C. 395, dated January 31, 1940, pursuant to Section 15 (1) (b) of The Transport Act, 1938;

And whereas the Applicant has established to the satisfaction of the Board its right to a licence under the provisions of Section 5, Subsection 2 of the said Act;

And whereas the Applicant has undertaken to provide a service upon the following schedule:—

Monthly—Kenora, Rowan Lake, Straw Lake; Flag Stops, as required by traffic, on monthly schedule at Witch Bay, Whitefish Bay, Flint Lake;

by aircraft approved and operating over the route between the said points and places under the terms and conditions of the Scheduled Air Transport Licence

issued to the Applicant (pursuant to Part VII, Air Regulations, 1938) by the Minister of Transport—

Therefore the Board orders:

1. That Licence Number C.T.C. (A.T.) 64 be issued for the period of one year from date of this Order.

2. That the Applicant be, and it is hereby, required to implement the said Licence forthwith by compliance with the General Order of the Board No. 580, dated December 16, 1938, and amendments thereto.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58668

In the matter of the application of the Upper Lakes and St. Lawrence Transportation Co. Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076.22

THURSDAY, the 15th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ships for the purpose of such transportation, namely:—

Vessel name	Official registry No.	Gross tonnage
Frank B. Baird	147854	1,748
Brown Beaver	160721	1,892
Grey Beaver	160722	1,892
Ralph Budd	154862	4,537
Norman P. Clement	146255	1,729
William H. Daniels	147764	1,764
Edwin T. Douglass	146334	1,749
Albert C. Field	147767	1,764
Judge Hart	146247	1,729
Charles R. Huntley	148898	1,760
Judge Kenefick	148430	1,745
Norman B. Macpherson	148846	1,743
John S. Pillsbury	149071	1,754
Robert W. Pomeroy	147076	1,724
John J. Rammacher	147080	1,723
John B. Richards	148849	1,743
James Stewart	148901	1,760
Shirley G. Taylor	148440	1,746
George L. Torian	149070	1,754
William C. Warren	148851	1,745
Shelton Weed	148453	1,745
John A. Holloway	148434	1,745

And whereas, in pursuance of Order No. 57491, dated 25th May, 1939, Licence No. C.T.C. (W.T.) 19 was issued for the period of one year from January 15, 1939—

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 36 be issued to the Applicant for the period of one year from January 15, 1940.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58669

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.12

THURSDAY, the 15th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Item 1215 of 8th revised page 54 of Tariff C.T.C. No. E.4757, filed by the Canadian Pacific Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 1215 of 8th revised page 54 of Tariff C.T.C. No. E.4757, approved herein, are as follows:—

Item 1215 To	100 pounds Cents per
Fort William, Ont.....	43
Hamilton, Ont.....	38½
Montreal, Que.....	32
Port Arthur, Ont.....	43
Quebec, Que.....	34½
Toronto, Ont.....	39

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58670

In the matter of the application of the Blue Line Motorships Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076.21

THURSDAY, the 15th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Blue Cross.....	154909	1,768
Blue River.....	155295	1,770

And whereas, in pursuance of Order No. 57493, dated 25th May, 1939, Licence No. C.T.C. (W.T.) 17 was issued for the period of one year from January 15, 1939.

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 35 be issued to the Applicant for the period of one year from January 15, 1940.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58680

In the matter of the complaint on behalf of H. W. Johnson, of God's Lake, Manitoba, against alleged discrimination in freight rates for plane load lots from Ilford to God's Lake, as shown in Tariff C.T.C. No. 10 of Canadian Airways Limited, as compared with the rates shown in Tariff C.T.C. No. 18, on supplies for mining companies.

File No. 42305.5

FRIDAY, the 16th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

Upon hearing the complaint at the sittings of the Board held at Winnipeg, January 31, 1940, in the presence of Counsel for Canadian Airways Limited and God's Lake Gold Mines Limited, no one appearing for the complainant.

It is ordered: That the complaint be, and it is hereby, dismissed.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58677

In the matter of the application of Sarnia Steamships, Limited, hereinafter called the "Applicant," under Section 10 of The Transport Act, 1938, for a licence to transport goods by water between all ports and places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, their connecting waters, the St. Lawrence River and its tributaries, as far seaward as the west end of the Island of Orleans.

File No. 42076.14

SATURDAY, the 17th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant is the owner of and proposes to employ the under-mentioned ships for the purpose of such transportation, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Jos. P. Burke.....	149499	1,926
Chemong.....	148073	1,902
Drumahoe.....	148079	1,902
Fairlake.....	161520	1,940
Fairriver.....	161524	1,940
Ralph Gilchrist.....	149493	1,927
C. H. Houson.....	149494	1,927
Lockwell.....	161519	1,928
Scott Misener.....	149475	1,939
John O. McKellar.....	149495	1,927
Portwell.....	161517	1,928
Starwell.....	161518	1,938

And whereas the Applicant is entitled to engage in transport by water by means of the undermentioned ship, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Anna C. Minch.....	153113	4,139

And whereas, in pursuance of Order No. 57431, dated 12th May, 1939, Licence No. C.T.C. (W.T.) 10 was issued for the period of one year from January 15, 1939.

Therefore it is ordered: That Licence No. C.T.C. (W.T.) 37 be issued to the Applicant for the period of one year from January 15, 1940.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58686

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Vancouver, British Columbia; Lethbridge, Alberta; Regina, Saskatchewan; Winnipeg, Manitoba; Wagaming, Kapuskasing, North Bay, Toronto, Ottawa, Ontario; Montreal, Quebec; and Moncton, New Brunswick.

File No. 42007.10

SATURDAY, the 17th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas, in pursuance of Order No. 57131, dated 7th March, 1939, as amended by Order No. 58339, dated 4th December, 1939, Licence No. C.T.C. (A.T.) 3 was issued for the period of one year from March 7, 1939—

Therefore it is ordered: That a licence be issued to the Applicant for the period of one year from March 7, 1940, in renewal of the said Licence No. C.T.C. (A.T.) 3.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58687

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Vancouver, British Columbia; Seattle, Washington, in the United States of America.

File No. 42007.10.2

SATURDAY, the 17th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas, in pursuance of Order No. 57134, dated March 7, 1939, Licence No. C.T.C. (A.T.) 5 was issued for the period of one year from March 7, 1939.

Therefore it is ordered: That a licence be issued to the Applicant for the period of one year from March 7, 1940, in renewal of the said Licence No. C.T.C. (A.T.) 5.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58683

In the matter of the application of Trans-Canada Air Lines, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by aircraft between Lethbridge, Calgary, and Edmonton, in the Province of Alberta.

File No. 42007.10.1

MONDAY, the 19th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas, in pursuance of Order No. 57132, dated March 7, 1939, Licence No. C.T.C. (A.T.) 4 was issued for the period of one year from March 7, 1939.

Therefore it is ordered: That a licence be issued to the Applicant for the period of one year from March 7, 1940, in renewal of the said Licence No. C.T.C. (A.T.) 4.

HUGH WARDROPE,

Assistant Chief Commissioner.

ACCIDENTS REPORTED TO THE OPERATING DEPARTMENT BOARD OF TRANSPORT COMMISSIONERS FOR CANADA, JANUARY, 1940

Railway accidents.....	91 with 10 killed and 101 injured
Railway accidents at highway crossings.....	39 with 5 killed and 70 injured
Total accidents.....	130 with 15 killed and 171 injured.
Passengers.....	Killed 21
Employees.....	3 78
Others.....	12 72
Total.....	15 171

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS

NOVA SCOTIA

Accidents	K.	I.	
1	—	1	Auto taxi—Auto taxi drove on to crossing in front of approaching train and was struck. Licence, N.S. 80-978.

QUEBEC

1	1	—	Auto truck—Auto truck failed to heed bell and wig-wag signals; drove on to crossing in front of approaching train and was struck. Licences, Ont. 11922-C, L-1434, Ont. 1043, AP-CV, 1066-T.
1	—	1	Automobile—Automobile struck track motor car. Licence, Que. 131-449.
1	—	1	Auto bus—Auto bus ran into side of train. Licence, Que. A-811.
1	1	—	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Que. F-9365.
1	—	1	Auto truck—Auto truck passed under lowered gates; drove on to crossing in front of approaching train and was struck. Licence, Que. F-4868.
1	—	4	Automobile—Automobile ran into side of train. Licence, Que. 74978.
1	—	6	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Que. T-5642.
1	—	2	Auto truck—Auto truck ran into side of train. Licence, Que. L-6938.
1	—	1	Horse-drawn—Horse-drawn vehicle, with horse out of control, skidded into side of train.

DETAILS OF ACCIDENTS AT HIGHWAY CROSSINGS—*Concluded*

ONTARIO

Accidents	K.	I.	
1	—	4	Automobile—Automobile ran into side of train. Licence, Ont. 356-N-2.
1	—	1	Automobile—Automobile ran into side of train. Licence, Ont. 3-L-927.
1	1	—	Auto truck—Auto truck ran into side of train. Licence, Ont. 36742-T.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 1-Y-718.
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 32-C-38.
1	1	2	Automobile—Automobile drove on to crossing in front of approaching train and was struck. (Licence, not given.)
1	—	1	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 29-W-99.
1	—	3	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 97-L-89.
1	—	2	Automobile—Automobile skidded on to crossing in front of approaching train and was struck. Licence, Ont. 15-U-52.
1	—	2	Automobile—Automobile ran into side of train. Licence, Ont. 9-R-884.
1	—	1	Automobile—Automobile ran into side of train. Licence, Ont. 601-D-9.
1	—	1	Automobile—Automobile ran into side of train. Licence, Ont. 986-P-6.
1	1	3	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 63-U-57.
1	—	1	Auto truck—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 45034-C.
1	—	1	Auto truck—Auto truck ran into side of train. (Licence, not given.)
1	—	11	Auto bus—Colonial Bus No. 382 drove on to crossing in front of approaching train and was struck. Licences, Ont. 17-20-C, Que. A-266.
1	—	1	Automobile—Automobile ran into side of train. (Licence, not given.)
1	—	3	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 6-F-27.
1	—	1	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Ont. 28043-C.
1	—	1	Automobile—Auto driver disregarded watchman's signal; drove on to crossing in front of approaching train and was struck. Licence, Ont. 623-J-7.
1	—	4	Automobile—Automobile drove on to crossing in front of approaching train and was struck. Licence, Ont. 29-P-37.
1	—	1	Automobile—Automobile ran into side of train. Licence, Ont. 340-I-7.
1	—	1	Pedestrian—Pedestrian struck by train.

MANITOBA

1	—	1	Auto truck—Auto fire truck skidded into side of train. Licence, Man. T-3623.
1	—	1	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Man. T-567.

SASKATCHEWAN

1	—	1	Horse-drawn vehicle—Horse-drawn vehicle drove on to crossing in front of approaching train and was struck.
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ALBERTA

1	—	1	Automobile—Automobile ran into side of train. Licence, Alta. 43-543.
1	—	1	Auto truck—Auto truck drove on to crossing in front of approaching train and was struck. Licence, Alta. P-559.
1	—	1	Auto truck—Auto truck ran into side of train. Licences, Alta. 13-448, PSV-441.

Of the 39 accidents at highway crossings, 32 occurred at unprotected crossings, and 7 occurred at protected crossings.

Eighteen of the accidents occurred after sunrise, and 21 occurred after sunset.
February 20th, 1940.

The Board of Transport Commissioners for Canada

Judgments, Orders, Regulations, and Rulings

VOL. XXIX

OTTAWA, MARCH 15, 1940

No. 26

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Application of the Canadian National Railways for an Order granting leave to abandon operation of that portion of its Wakopa Subdivision in the Province of Manitoba, between Louise (M.23·5) and Deloraine (M.80·2) —total distance of 56·7 miles.

File 39310.36

Heard in Winnipeg, Man., January 30, 1940

JUDGMENT

STONEMAN, COMMISSIONER:

Formal application was made to the Board on January 25, 1939, in the following terms—

"Canadian National Railways hereby applies under Section 165-A of the Railway Act, Section 2, Sub-section 3, of the Canadian National-Canadian Pacific Act, 1933, and all other appropriate statutory provisions, for an Order granting leave to abandon the operation of the following line of railway, namely: That portion of the Wakopa Subdivision in the Province of Manitoba between Louise (M.23·5) and Deloraine (M.80·2), a total distance of 56·7 miles."

The Operating and Engineering Departments of the Board made a joint investigation on March 8 and 9, 1939, when meetings were held at Holmfild, Enterprise, Lena, Wakopa, Adelpha, Horton, Wassewa, Mountainside, Hazeldean, Coatstone, Liege and Deloraine; twelve points along the line, with large attendances at all points. The number attending running from 15 to 75 persons. Also attending were—

Mr. W. R. Cottingham, K.C., Chairman, Manitoba Public Utilities Commission.

Mr. Dalton Owen, Solicitor, C.N.R.

Mr. Meyers, Asst. Supt. C.N.R., Brandon, Man.

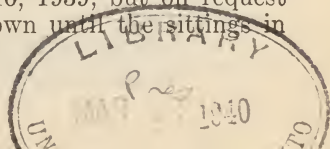
Mr. Horne, Asst. Freight Traffic Manager, C.N.R.

Mr. McKeown, District Freight Traffic Agent, C.N.R.

Mr. Waddell, Division Engineer, C.N.R.

Mr. Henderson, District Manager, Patterson Elevator Co.

The matter was set down for hearing on October 10, 1939, but on request of the respondents was postponed, and not again set down until the sittings in Winnipeg on January 30, 1940.



Figures were filed by the Railway Company to show what the joint saving to them would be, and the respondent filed figures to show the cost of reconstruction of roads, bridges and storage facilities. The figures submitted by both the Railway Company and the respondent are substantial. However, it is not my intention, in the present application, to deal with the evidence from that standpoint.

Mr. I. C. Rand, K.C., at p. 104, Volume 665, states:—

“The figures are of importance, from our standpoint, only as indicating the financial result from an operating standpoint which is to be set off against something else, namely, public interest, and it is to the public interest that the burden of enquiry of this sort should be directed.”

Mr. J. W. George, K.C., appearing for the Province of Manitoba and interested municipalities, in his opening remarks on p. 152—

“Mr. Rand in his opening remarks quite rightly made reference to the general principles underlying railway abandonment and I wish you to permit me to make general reference to it in my opening argument.”

The Board, in hearing cases for abandonment of line, both under Section 165-A of the Railway Act, Section 2, Sub-section 3 of the Canadian National-Canadian Pacific Act, 1933, has held that paramount consideration should be given to the inconvenience accruing to the shippers in the area affected. Counsel for both applicant and respondent have fully covered the ground and filed exhibits in support of the statements made in the presentation of their case. Mr. George, K.C., by filing exhibits in substantiation of his oral argument, established as a fact that, the average increased distance that shippers would have to move their commodities would be approximately six miles; and a total distance, in many instances, of from 15 to 20 miles.

The evidence is conclusive that, ever since the construction of the railway, the whole of the main commodity produced in the area served—namely, grain—has been shipped by rail, and all other commodities that the railway facilities and train service would accommodate reasonably well, have been shipped by rail. There is no evidence that other means of transportation is available, or have, at any time, been used to any extent. It is admitted by all interested parties that if the Canadian National line was abandoned, practically all the produce being delivered to it would have to be delivered to the Canadian Pacific Railway line some distance north.

The question to be decided here is whether the inconvenience to those served by the line would be too great if the application was granted. There is no difference of opinion as to the facts. It is not denied that, if the line was abandoned, reconstruction of highways would be necessary, transfer of grain handling facilities, further construction of storage space on farms, or substantial expenditures for equipment to haul the extra mileage, would be necessary. There are no competing carriers. It is conservatively estimated that the average yearly volume of wheat alone to be moved an extra 6 miles is 800,000 bushels. It is established beyond any doubt that the extra cost of moving this grain would be 3 cents per bushel—and the time involved would be substantial. The possibility of congestion at points on the Canadian Pacific Railway line and the necessity for construction of grain elevators to handle the volume of traffic was clearly established.

I find therefore that, while the estimated joint saving of the railways in this case would be substantial, the inconvenience to the public outweighs any saving that would be made.

Order to go dismissing the application.

OTTAWA, February 16, 1940.

J. A. STONEMAN.

I concur,

HUGH WARDROPE.

F. M. MACPHERSON.

ORDER No. 58702

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," under Section 165A of the Railway Act and Section 2 (3) of The Canadian National-Canadian Pacific Act, 1933, and all other appropriate statutory provisions, for approval of the abandonment of operation of that portion of their Wakopa Subdivision, in the Province of Manitoba, between Louise (mileage 23.5) and Deloraine (mileage 80.2), a total distance of 56.7 miles.

File No. 39310.36.

TUESDAY, the 20th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Winnipeg, January 30, 1940, in the presence of Counsel for and representatives of the Applicants, the Canadian Pacific Railway Company, Province of Manitoba, Manitoba Pool Elevators Limited, Canadian Consolidated Grain Company, Limited, N. M. Paterson & Company, Limited, United Grain Growers Limited, municipalities interested, railway employees, and The Municipal and Public Utility Board, and what was alleged—

It is ordered: That the application be, and it is hereby, dismissed.

HUGH WARDROPE,

Assistant Chief Commissioner.

Application of the Canadian National Railways for an Order granting it leave to abandon the operation of a portion of the Renfrew Subdivision in the Province of Ontario between Arnprior (Mile 38.34) and Eganville (Mile 76.25)—a total distance of 37.91 miles.

File 39310.38

JUDGMENT

MACPHERSON, COMMISSIONER:

This application was heard at Renfrew on November 28, 1939, in the presence of Mr. A. D. McDonald for the Canadian National Railways, Mr. K. D. M. Spence for the Canadian Pacific Railway Company, and Mr. S. M. Chown for the Town of Renfrew and other towns and municipalities.

The application was made by the Canadian National Railways under Section 165 (A) of the Railway Act, 1932-33 (Can.), c. 47, s. 2 (3) of the Canadian National-Canadian Pacific Act, 1932-33, c. 33, and all other appropriate statutory provisions, for an order of the Board granting it leave to abandon the operation of that portion of its Renfrew Subdivision in the Province of Ontario between Arnprior (Mile 38.34) and Eganville (Mile 76.25), a distance of 37.91 miles.

The Canadian National Railways filed this application for abandonment with the Board on the 16th day of August, 1939, supporting the application with statements setting forth the general condition of the line in question, statements of revenue and analysis of the freight traffic for the years 1936, 1937 and 1938, a copy of the report of the C.N.R.-C.P.R. Joint Co-operative Committee (No. 29-A, dated November 21, 1938), setting forth the basis of an arrangement between the two railway companies for the abandonment of the line in question, including an estimate of the annual joint net savings, cost of physical changes necessary and the estimated salvage value, also copy of the

Minute of the C.N.R.-C.P.R. Joint Executive Committee approving the aforesaid Joint Co-operative Committee Report.

This line was opened for operation in 1894. That portion of the line from Arnprior to Renfrew, a distance of 15.9 miles, was built under the charter of the Ottawa, Arnprior and Renfrew Railway Company incorporated in 1888 by Ontario Act 51 V, chapter 71. That portion of the line from Renfrew to Eganville—22.0 miles—was built under the charter of the Ottawa and Parry Sound Railway Company, incorporated in 1888 by Canada Act 51 V, chapter 65. These two companies were amalgamated in 1891 to form the Ottawa, Arnprior and Parry Sound Railway Company, which amalgamated with and under the name of the Canada Atlantic Railway Company in 1899.

Control of the Canada Atlantic Railway Company was acquired in 1904 by the Grand Trunk Railway Company of Canada, and the two companies were amalgamated in 1914 under the name of the latter company. The Grand Trunk Railway Company amalgamated with the Canadian National Railways in 1923.

Those opposing the application were ably represented by Mr. S. M. Chown.

The question of the municipalities west of Eganville being affected was discussed but as they will have access to the main line of the Canadian National and the Canadian Pacific Railway at Pembroke via Golden Lake, it is not felt that their interests will suffer.

The question of industries at Renfrew being affected was also under discussion, but as the Canadian Pacific Railway will take over all the Canadian National Railways' spurs on a lease from the Canadian National Railways, and supply this service, it is felt that they too are in no way inconvenienced to any great extent.

In the matter of highways this district is well served between Arnprior and Renfrew. King's Highway No. 17, Province of Ontario, is a paved road paralleling this part of the line proposed for abandonment. From Renfrew to Douglas is also a paved road, Douglas being the second station west of Renfrew. Eganville is served by Highway No. 41 and there is also a paved road paralleling this line from Caldwell to Eganville. Highways Nos. 17 and 41 are maintained all year around.

The line proposed to be abandoned west of Renfrew, with the exception of Admaston, parallels the Canadian Pacific Railway at only a distance of two to three miles, and so no place in this segment proposed to be abandoned is any more than three miles from a station on the Canadian Pacific Railway.

The passenger traffic has been shown to be decreasing over the past number of years, showing clearly that passengers from the district are either using their own cars or using the bus service.

If this application were granted there would be a joint yearly saving of \$104,000, and little, if any, inconvenience to those whom this line served, and the evidence in this case is such that I think the application should be granted.

February 22, 1940.

F. M. MacPHERSON.

I concur,

HUGH WARDROPE.

G. A. STONE.

ORDER No. 58759

In the matter of the application of the Canadian National Railways, hereinafter called the "Applicants," under Section 165A of the Railway Act, Section 2 (3) of the Canadian National-Canadian Pacific Act, 1933, and all other appropriate statutory provisions, for approval of the abandonment of operation of a portion of the Renfrew Subdivision, in the Province of Ontario, between Arnprior (mileage 38·34) and Eganville (mileage 76·25), a total distance of 37·91 miles.

File No. 39310.38

THURSDAY, the 29th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

Upon hearing the application at the sittings of the Board held at Renfrew, November 28, 1939, in the presence of Counsel for the Applicants, the Canadian Pacific Railway Company, the Town of Renfrew, and other municipalities affected—

It is ordered: That the abandonment of operation of a portion of the Applicants' Renfrew Subdivision, in the Province of Ontario, between Arnprior (mileage 38·34) and Eganville (mileage 76·25), a total distance of 37·91 miles, be, and it is hereby, approved.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58688

In the matter of the application of the Canadian National Railways, under Section 276 of the Railway Act, for authority to open for the carriage of traffic that portion of their Sunny Brae-Guysboro line between mileage 10 and mileage 12·89, in the Province of Nova Scotia.

File No. 36544.12.

MONDAY, the 19th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

Upon the report and recommendation of the Chief Engineer of the Board, and the filing of the necessary affidavit—

It is ordered:

1. That the Canadian National Railways be, and they are hereby, authorized to open for the carriage of freight traffic a portion of their Sunny Brae-Guysboro line between mileage 10 and mileage 12·89, in the Province of Nova Scotia.

2. That operation of the said portion of railway line be limited to a rate of speed not exceeding ten miles an hour.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58664

In the matter of Section 32 of The Transport Act, 1938, and the issuing of free and reduced rate transportation by licensed air carriers pursuant thereto.

File No. 496.59

TUESDAY, the 20th day of February, A.D. 1940.

HUGH WARDROPE, *Asst. Chief Commissioner.*

F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

G. A. STONE, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

By virtue of the powers conferred upon it by Section 345 of the Railway Act, made applicable by Section 32 of the Transport Act, 1938, to air transportation companies licensed under the relevant provisions of that statute, and all other powers possessed by the Board in that behalf,—

The Board hereby approves and prescribes the regulations hereinafter set out as those by which all companies licensed to operate by air between points within Canada shall be lawfully governed in the according of free carriage of traffic, or carriage of traffic at reduced rates not covered by tariff.

And it is ordered that each and every person in charge of the free transportation of any such company is hereby required to see to, and is hereby made responsible for, the correct application of the said regulations; and that it shall be unlawful for any such company, or any officer or employee thereof, in any manner whatsoever to arrange for, procure or permit the free transportation, or transportation at reduced rates, of traffic in non-conformity therewith.

Further, upon its appearing that certain licensees are desirous of granting free or reduced rate transportation to the classes of persons and under the circumstances set out below in Section "D" for which no authority is contained in Section 345 of the Railway Act; that there is justification therefor and that the public interest would not be adversely affected, the Board, under the discretionary powers conferred upon it by the proviso immediately following paragraph (e) in the said Section 345 hereby permits the granting of free transportation and/or reduced rates by all licensees who of their own volition wish to do so to the classes of persons and under the particular circumstances set out in the said Section "D" hereof.

"A"

Issuing and Recording of Passes and Reduced Rate Certificates

1. The carriage of non-revenue traffic, or reduced revenue traffic, must not be permitted to be accomplished at any time in any manner other than through the medium and by virtue of a pass or certificate properly issued in accordance with these regulations, except as follows:—

- (a) At the option of the company, employees actively engaged in the operation of aircraft may be carried thereon without passes.
- (b) In cases of extreme emergency where circumstances preclude the possibility of the requisite form being issued.

2. All passes, trip, periodical and annual, and reduced rate certificates must be in printed form and must comply with the following requirements:—

- (a) Space must be provided wherein to show the name of the person in whose favour issued, on what account, the points between which, or the territory in which, the same is valid, and the expiry date.

- (b) They must bear the signature of an officer in whom authority in this connection is reposed by the company; if a facsimile signature is used, then they must be countersigned by a duly authorized subordinate.
- (c) Space must be provided on all passes and certificates for the signature of the user, over which shall appear a declaration that he or she is not prohibited by law from receiving free transportation or reduced rates, as the case may be, and that the same will be used only in compliance with the law. This declaration may be shown on the reverse side of the pass or certificate amongst any other conditions which the company may itself impose.
- (d) All such passes and certificates must be consecutively numbered within their respective series. The numbering may commence with one in each year or may continue from year to year at the option of the company, but the repetition of numbers in the case of any series in any one year is not permitted.

3. Passes or reduced rate certificates issued to "Members of Family," where that is permitted, must name individually the persons covered thereby and show their relationship to, and the title or occupation of, the person on whose account the same is furnished.

4. A complete record of all passes and reduced rate certificates must be maintained at the head office of the company and must be accessible for examination at any time within three years. Companies may design their own individual systems of recording, but whatever system is employed must show all the details of each pass or certificate issued, together with any other information necessary to indicate the justification therefor, and must be kept in such a manner as to enable easy checking of the numerical sequence throughout each series.

5. All companies shall make reports to the Board giving details of all instances of misuse, or attempted misuse, of free or reduced rate transportation discovered by them.

"B"

Filing of Returns With the Board

1. Periodical returns shall be filed with the Board as follows:—

January to March, inclusive, by May 1st.

April to June, inclusive, by August 1st.

July to September, inclusive, by November 1st.

October to December, inclusive, by February 1st.

and shall consist of separate detailed statements of all annual passes, trip passes and reduced rate certificates issued under the provisions of Section 32 of the Transport Act, 1938, and the rules and regulations of the Board during the period covered thereby, set out in numerical order and indicating the kind of pass or certificate, the number, the name of person in whose favour issued and on what account (occupation or other information to indicate the justification therefor), also the territory in which, or the points between which the same is valid. In the case of annual passes limited to expire prior to the end of the year in which issued, the expiry date must be shown. In reporting issuance to a member of family, the relationship to, and the position or occupation of, the person on whose account the pass or reduced rate certificate is furnished shall be indicated. Wherever a pass is issued to a part-time employee (*see* paragraph (2), Section "C" hereof) this fact must be clearly shown in reporting the pass in the return.

2. A statement shall also be furnished with each return indicating whether or not any non-revenue or reduced revenue traffic was moved during the period covered thereby, and for which passes or reduced rate certificates were not issued under the permissive provision of sub-paragraph (b) Clause (1) Section "A" hereof, such statement to show fully, if any such movements have taken place, the names of the persons involved in each, the extent thereof and the circumstances obtaining under which it was found necessary to dispense with issue of the proper form.

3. Each and every such return shall be supported by an affidavit of verification sworn to by an officer having full knowledge of all such free or reduced rate transportation issued by the company and having access to all the records necessary to justify the issue thereof and shall be in the following terms:—

"(a) That I am an officer of the said company having full knowledge of all the free or reduced rate transportation issued by the said company and having the custody of, or access to, all the records of the company from which the returns of such transportation are made up under the provisions of Section 32 of the Transport Act, 1938.

(b) That I have caused records of free transportation issued by the said company to be kept in accordance with the regulations and directions of the Board of Transport Commissioners for Canada and the return of such free or reduced rate transportation submitted herewith for the period named herein has been prepared from such records.

(c) That to the best of my knowledge and belief all free or reduced rate transportation issued by the company is included in the return submitted herewith and has been issued in compliance with the provisions of the Transport Act, 1938, and of the orders and regulations of the said Board made thereunder; and that none of the same has been issued that is not authorized by law."

"C"

General

For the guidance of companies, there are set out below the proper and lawful interpretations of certain provisions of the said Section 345 of the Railway Act:—

1. The word "traffic" in the first line of the said Section, subsection (1) (a), is to be read as though preceded by the word "freight."

2. "Directors, Officers, Agents and Employees and their Families"—Free or reduced rate transportation under this heading to be restricted, other than in the case of Directors, to full-time officers or employees carried on the company's pay-roll. Part-time agents or employees are wholly excluded from benefiting under this clause except on such occasions as they may be required to travel on business of the company, when they may be furnished with trip transportation (not to include any member of family) limited to the extent necessary for the carrying out thereof.

Family in the case of this class of persons embraces only the members thereof who are in fact dependent for support upon such directors, officers or employees.

NOTE.—Wherever a company considers that owing to exceptional circumstances in certain individual cases, or in the case of a certain class of part-time agents or employees, the granting of free or reduced rate transportation in favour of such persons in excess of what is above permitted

is essential in its best interests, application may be made to the Board for relief from the above restriction to the extent necessary to take care of any such situation. All applications of this nature must contain full and complete details as to the reasons and justification for what is sought and upon receipt will be considered by the Board and either granted or declined as deemed proper under the circumstances shown to exist.

3. "Former employees of any railway" shall be read as also meaning former employees of any air carrier. Former Directors are not permitted to benefit under this provision.

4. "Members of the Press," Free or reduced rate transportation under this heading to be confined to senior executive officers and full-time salaried members of the editorial staff of press associations, newspapers and magazines of standing published in Canada.

5. "Officers and Employees of the Department of Railways and Canals or their families," (now the Department of Transport). Free or reduced rate transportation under this heading shall be confined to Officers and Employees of the Air Service Branch and the Civil Aviation Division of the said Department and senior executive officials of general jurisdiction.

"D"

1. Canadian Post Office Officials—Representatives of the Department when required to travel on official business in connection with the handling of mails under contract with the issuing carrier.

2. Destitute persons when not actually transported by charitable societies as specifically required under Section 345 of the Railway Act, the issuing carrier to assume responsibility for all such cases being bona fide.

3. Charity Cases—Persons not actually homeless or destitute, but without sufficient funds to pay the tariff fare for the purpose of obtaining competent medical attention or adequate hospital care in instances of critically serious illness or injury and where other means of transportation are unavailable or their use precluded by reason of the emergent nature of the occasion.

4. Governmental officers, doctors, nurses, or other public servants when necessitated by catastrophes, epidemics, or other similar general emergencies.

5. Special Local Courtesy Flights—Where, in the interest of the company, it is felt desirable from the standpoint of education and publicity, to conduct flights of this nature, passengers may be carried thereon without charge, provided that such flights do not exceed one half-hour and originate and terminate at the same point.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58697

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.2.

TUESDAY, the 20th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

It is ordered: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of Subsection 3 of the said Section 3, namely:—

Supplement No. 59 to Tariff C.T.C. No. E. 2248

Supplement No. 33 to Tariff C.T.C. No. E. 2474

Supplement No. 7 to Tariff C.T.C. No. E. 3069

Supplement No. 6 to Tariff C.T.C. No. E. 3158

Tariff No. E. 3207

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58708

In the matter of the application of Prairie Airways Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by air between Regina, Moose Jaw, Saskatoon, Prince Albert, and North Battleford, in the Province of Saskatchewan.

File No. 42007.2.

WEDNESDAY, the 21st day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Whereas, in pursuance of Order No. 57129, dated March 6, 1939, Licence No. C.T.C. (A.T.) 2 was issued for the period of one year from March 6, 1939.

Therefore it is ordered: That a licence be issued to the Applicant for the period of one year commencing March 6, 1940, in renewal of the said Licence No. C.T.C. (A.T.) 2.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58710

In the matter of the application of the Canadian National Railways, under Section 276 of the Railway Act, for authority to open for the carriage of traffic their second main line from mileage 61·51 Bedford Subdivision to a point in Truro yard, a distance of 2·06 miles, in the Province of Nova Scotia.

File No. 42364

WEDNESDAY, the 21st day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*J. A. STONEMAN, *Commissioner.*G. A. STONE, *Commissioner.*F. M. MACPHERSON, *Commissioner.*

Upon the report and recommendation of the Chief Engineer of the Board, and the filing of the necessary affidavit—

It is ordered: That the Canadian National Railways be, and they are hereby, authorized to open for the carriage of traffic their second main line from mileage 61·51 Bedford Subdivision to a point in Truro yard, a distance of 2·06 miles, in the Province of Nova Scotia: Provided such operation be limited to a rate of speed not exceeding fifteen miles an hour.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58678

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 22nd day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*G. A. STONE, *Commissioner.**The Board orders:*

1. That the tolls published in Item 5A of Supplement No. 5 to Tariff C.T.C. No. 1050 to Wolfville and Port Williams, Nova Scotia, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 5A of Supplement No. 5 to Tariff C.T.C. No. 1050 to Wolfville and Port Williams, Nova Scotia, approved herein, are as follows:—

Item	Cents per 100 pounds
5A To Wolfville, N.S. }	15½
Port Williams, N.S. }	

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58718

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822.13

THURSDAY, the 22nd day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Tariff C.T.C. No. 1119, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Tariff C.T.C. No. 1119, approved herein, are as follows:—

	Cents per 100 pounds		
	Windsor, N.S.	From Halifax, N.S.	Port Williams, N.S.
To Digby, N.S.	11	12	10½
Plympton, N.S.	11	13	10½
Weymouth, N.S.	11	13	10
Church Point, N.S.	11	13½	10
Little Brook, N.S.	11	13½	10
Meteghan, N.S.	11	13½	10
Yarmouth, N.S.	9½	15½	10

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58719

In the matter of the application of Northwest Steamships Limited, under Section 18 of The Transport Act, 1938, for approval of resolution, adopted by its Board of Directors on February 12, 1940, authorizing the Traffic Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to, and file the same with the Board.

File No. 42081.3

THURSDAY, the 22nd day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered:

1. That the said resolution of Northwest Steamships Limited, adopted February 12, 1940, authorizing the Traffic Manager of the Company to prepare and issue tariffs of the tolls to be charged in respect of the vessels owned or operated by the Company, and to submit the same to, and file the same with the Board, such resolution being on file with the Board under file No. 42081.3, be, and it is hereby, approved.

2. That Order No. 57265, dated April 18, 1939, made herein, be, and it is hereby, rescinded.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58720

In the matter of the application of the Canadian Pacific Railway Company under Section 348 of the Railway Act, for approval of the French text of "Special Contract with Attendants in Charge of Stock," restricting the Company's liability in connection with the carriage of livestock, on file with the Board under file No. 16749.27.

THURSDAY, the 22nd day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Whereas the English text of the said contract form was approved by the General Order of the Board No. 298, dated June 2, 1920;

And whereas the revised French text of such form of contract submitted by the Canadian Pacific Railway Company conforms with the conditions approved by the said General Order No. 298—

It is therefore ordered:

1. That the French text of the "Special Contract with Attendants in Charge of Stock," attached hereto marked "A," restricting the Canadian Pacific Railway Company's liability in connection with the carriage of livestock, which form is to be used by the Company within the limits of the Province of Quebec, be, and it is hereby, approved.

2. That Order No. 56303, dated August 18, 1938, in so far as it approves the French translation of the said "Special Contract with Attendants in Charge of Stock," be, and it is hereby, rescinded.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58721

In the matter of the application of W. M. Matthews, Agent, hereinafter called the "Applicant," for and on behalf of carriers, for permission to cancel, on less than statutory notice, Item 10 of Supplement No. 6 to Tariff C.T.C. No. 1161.

File No. 27612.220

THURSDAY, the 22nd day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the said Item provides an exception to Rule 10 of the Official Classification, authorizing, on import traffic moving through Canadian ports to points in the United States, the same privilege of carload rates on mixed carloads as published in various United States tariffs to become effective February 14, 1940, on shipments moving wholly within the United States;

And whereas the Applicant states that prior to the date named, American carriers realized that the contemplated change in Rule 10 conflicted with certain Interstate Commerce Commission Orders and therefore obtained permission of that body to postpone the effective date until April 15, 1940;

And whereas the Applicant has received special permission from the Interstate Commerce Commission to cancel the said Item on one day's notice—

The Board orders: That the Applicant be, and he is hereby, granted authority to cancel Item 10 of Supplement No. 6 to Tariff C.T.C. No. 1161, on one day's notice.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58722

In the matter of the application of the Canadian National Railways, under Section 348 of the Railway Act, for approval of the French text of "Special Contract with Attendants in Charge of Stock," restricting the Company's liability in connection with the carriage of livestock, on file with the Board under file No. 16749.32.

THURSDAY, the 22nd day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
F. N. GARCEAU, K.C., *Deputy Chief Commissioner.*

Whereas the English text of the said contract form was approved by the General Order of the Board No. 298, dated June 2, 1920;

And whereas the revised French text of such form of contract submitted by the Canadian National Railways conforms with the conditions approved by the said General Order No. 298—

It is therefore ordered:

1. That the French text of the "Special Contract with Attendants in Charge of Stock," attached hereto marked "A," restricting the Canadian National Railways' liability in connection with the carriage of livestock, which form is to be used by the Company within the limits of the Province of Quebec, be, and it is hereby, approved.

2. That Order No. 56302, dated August 18, 1938, in so far as it approves the French translation of the said "Special Contract with Attendants in Charge of Stock," be, and it is hereby, rescinded.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58727

In the matter of the application of United Air Lines Transport Corporation, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938 for a licence to transport passengers and/or goods by air between Seattle, Washington, in the United States of America, and Vancouver, in the Province of British Columbia.

File No. 42007.16

FRIDAY, the 23rd day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
F. M. MACPHERSON, *Commissioner.*

Whereas, in pursuance of Order No. 57146, dated 7th March, 1939, Licence No. C.T.C. (A.T.) 6 was issued for the period of one year from March 7, 1939—

Therefore it is ordered: That a licence be issued to the Applicant for the period of one year commencing on March 7, 1940, in renewal of the said Licence No. C.T.C. (A.T.) 6.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58729

In the matter of the application of L. E. Kipp, Agent, hereinafter called the "Applicant," for and on behalf of carriers, for permission to amend rates on peanuts covered by Item 1155-C of Supplement No. 19 to Tariff C.T.C. No. 723 on less than statutory notice.

File No. 27612-218

FRIDAY, the 23rd day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Whereas the Applicant desires to amend Item 1155-C of Supplement 19 to the said tariff to provide for a rate of 100 cents per 100 pounds, minimum carload weight 50,000 pounds, and 125 cents per 100 pounds, minimum carload weight 30,000 pounds, on peanuts, shelled or not shelled, in packages, to points taking rate bases 11, 12, 13 and 14, in lieu of rates shown;

And upon full consideration of the application and recommendation of the Board's Assistant Director of Traffic—

The Board orders: That the Applicant be, and he is hereby, granted authority to amend Item 1155-C of Supplement No. 19 to Tariff C.T.C. No. 723, in the manner above indicated, upon five days' notice, subject to similar authority being granted by the Interstate Commerce Commission.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58735

In the matter of the application of the Burke Towing and Salvage Co. Limited for a licence under Section 10 of The Transport Act, 1938

File No. 42076-5.

MONDAY, the 26th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*J. A. STONEMAN, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That Licence No. C.T.C. (W.T.) 38 be issued in the name of the Burke Towing and Salvage Co. Limited, licensing, for the period of one year commencing on the 15th day of January, 1940, the following ship, namely:—

<i>Vessel Name</i>	<i>Official Registry No.</i>	<i>Gross Tonnage</i>
Arlington.. . . .	138219	1,870

to transport goods by water between all ports or places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58740

In the matter of tariffs and supplements to tariffs filed under the provisions of the Maritime Freight Rates Act

File No. 34822-2.

MONDAY, the 26th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders: That the tolls published in the following tariffs filed by the Canadian National Railways under Section 3 of the Maritime Freight Rates Act be, and they are hereby, approved, subject to the provisions of Subsection 3 of the said Section 3, namely:—

Supplement 82 to Tariff C.T.C. No. E-1244
Supplement 27 to Tariff C.T.C. No. E-2629
Supplement 8 to Tariff C.T.C. No. E-3069
Supplement 9 to Tariff C.T.C. No. E-3069
Supplement 1 to Tariff C.T.C. No. E-3175
Tariff C.T.C. No. E-3213

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58741

In the matter of tariffs, and supplements to tariffs, filed under the provisions of the Maritime Freight Rates Act.

File No. 34822-13

TUESDAY, the 27th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
G. A. STONE, *Commissioner.*

The Board orders:

1. That the tolls published in Item 106 of Supplement No. 19 to Tariff C.T.C. No. 1040, filed by the Dominion Atlantic Railway Company under Section 9 of the Maritime Freight Rates Act, be, and they are hereby, approved, subject to the provisions of Subsection 3 of Section 3 of the said Act.

2. And the Board hereby certifies that the normal tolls, for the purpose of reimbursement under Subsection 3 of Section 9 of the said Act, on traffic carried under the said Item 106 of Supplement No. 19 to Tariff C.T.C. No. 1040, approved herein, are as follows:—

To	Cents per 100 pounds
West Saint John, N.B.....	35
one and one-half cents per 100 pounds to be deducted account of water-haul.	
To	
Saint John, N.B., the Dominion Atlantic Railway Company's proportions to be reported as follows:—	
	Billed Normal
	17.4 21.8

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58750

In the matter of the application of W. M. Matthews, Alternate Agent, hereinafter called the "Applicant," for and on behalf of carriers, for permission to cancel items from his Tariff C.T.C. No. 992, on less than statutory notice.

File No. 27612-221.

WEDNESDAY, the 28th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas the Applicant requests permission to cancel Items 200-A, 1260, 1440, 1450, 1320-B, 1420, and 1430 from his Tariff C.T.C. No. 992, effective five days after the filing of notice, but not earlier than March 14, 1940;

And whereas water carriers publishing rates on the same commodities between the same points have cancelled them effective March 14, 1940, and the rail carriers desire to cancel their rates effective on the same date, in order that the rail and water carriers may establish rates on a uniform basis of differentials for the 1940 season of navigation, and make them effective concurrently—

The Board orders: That the Applicant be, and he is hereby, granted authority to amend his Tariff C.T.C. No. 992 by cancellation of Items 200-A, 1260, 1440, 1450, 1320-B, 1420, and 1430 therein, effective upon five days' notice, but not earlier than March 14, 1940.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58753

In the matter of the application of The British Yukon Navigation Company Limited, hereinafter called the "Applicant," under Section 13 of The Transport Act, 1938, for a licence to transport passengers and/or goods by air between Whitehorse, Carmacks, Selkirk, Mayo, and Dawson, in Yukon Territory.

File No. 42007.8

WEDNESDAY, the 28th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

F. M. MACPHERSON, *Commissioner.*

Whereas, in pursuance of Order No. 57187, dated 25th March, 1939, Licence No. C.T.C. (A.T.) 7 was issued for the period of one year from March 25, 1939—

Therefore it is ordered: That a licence be issued to the Applicant for the period of one year commencing on March 25, 1940, in renewal of the said Licence No. C.T.C. (A.T.) 7.

HUGH WARDROPE,

Assistant Chief Commissioner.

ORDER No. 58758

In the matter of the application of Northwest Steamships Limited, hereinafter called the "Applicant," for permission to cancel items from its Tariff C.T.C. No. 8, on less than statutory notice.

File No. 27612.221

WEDNESDAY, the 28th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*

Whereas the Applicant requests permission to cancel Items, 20, 35, 40, 45, 65, 70, 75, 80, 90, 100, 105, 110, and 120 from its Tariff C.T.C. No. 8, effective on five days' notice but not earlier than March 14, 1940;

And whereas other water and rail carriers publishing rates on the same commodities between the same points are cancelling the same effective March 14, 1940, and in order that the rail and water carriers may establish rates on a uniform basis of differentials for the 1940 season of navigation and make them effective concurrently—

The Board orders: That the Applicant be, and it is hereby, granted authority to amend its Tariff C.T.C. No. 8 by cancellation of Items 20, 35, 40, 45, 65, 70, 75, 80, 90, 100, 105, 110, and 120 therein, effective upon five days' notice but not earlier than March 14, 1940.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58763

In the matter of the application of Northwest Steamships Limited for a licence under Section 10 of The Transport Act, 1938.

File No. 42076.2

THURSDAY, the 29th day of February, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*
J. A. STONEMAN, *Commissioner.*
F. M. MACPHERSON, *Commissioner.*

Upon the report and recommendation of the Assistant Director, Traffic Department of the Board—

It is ordered: That Licence No. C.T.C. (W.T.) 39 be issued in the name of Northwest Steamships Limited licensing, for the period of one year commencing on the 15th day of January, 1940, the following ships, namely:—

Vessel Name	Official Registry No.	Gross Tonnage
Superior	154471	1,774
A. A. Hudson	148089	2,222

to transport goods by water between all ports or places in Canada on Lakes Ontario, Erie, Huron (including Georgian Bay), and Superior, and their connecting waters, including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

HUGH WARDROPE,
Assistant Chief Commissioner.

ORDER No. 58773

In the matter of the application of the Abitibi Navigation Company Limited, hereinafter called the "Applicant," for permission to cancel Item 10 from its Tariff C.T.C. No. 4, on less than statutory notice.

File No. 27612.221

SATURDAY, the 2nd day of March, A.D. 1940.

HUGH WARDROPE, *Assistant Chief Commissioner.*

J. A. STONEMAN, *Commissioner.*

Whereas applicant requests permission to cancel Item 10 from its Tariff C.T.C. No. 4, effective on three days' notice but not earlier than March 14, 1940;

And whereas other water and rail carriers publishing rates on the same commodities between the same points are cancelling the same effective March 14, 1940, in order that the rail and water carriers may establish rates on a uniform basis of differentials for the 1940 season of navigation and make them effective concurrently—

The Board orders:

That the Applicant be, and it is hereby, granted authority to amend its Tariff C.T.C. No. 4 by cancellation of Item 10 therein, effective upon three days' notice, but not earlier than March 14, 1940.

HUGH WARDROPE,

Assistant Chief Commissioner.

RE DEMURRAGE PENALTIES ASSESSED BY THE CANADIAN CAR DEMURRAGE
BUREAU UNDER GENERAL ORDERS 201 AND 349

The following tables present in summarized form the reports of the Canadian Car Demurrage Bureau covering car demurrage charges assessed for the year 1939.

NOTE.—First two days over free time \$1 per day, three days or more, \$5 per day.

EASTERN CANADA

1939	Total cars handled	Number released within free time	Per cent	Number held over free time	Per cent	Number held under 3 days over free time	Per cent	Number held 3 days or more over free time	Per cent
January.....	132,420	127,751	96.47	4,669	3.53	4,028	3.04	641	0.48
February.....	127,485	122,680	96.23	4,805	3.77	4,273	3.35	532	0.42
March.....	148,578	143,229	96.40	5,349	3.60	4,728	3.18	621	0.42
April.....	139,884	135,188	96.64	4,696	3.36	3,978	2.84	718	0.51
May.....	168,105	162,516	96.68	5,589	3.32	4,899	2.91	690	0.41
June.....	147,647	141,818	96.05	5,829	3.95	5,005	3.39	824	0.56
July.....	147,725	142,318	96.34	5,407	3.66	4,480	3.03	927	0.63
August.....	157,702	151,923	96.34	5,779	3.66	4,791	3.04	988	0.63
September.....	195,765	187,458	95.76	8,307	4.24	6,954	3.55	1,353	0.69
October.....	209,169	199,498	95.38	9,671	4.62	8,222	3.93	1,449	0.69
November.....	196,585	188,882	96.08	7,703	3.92	6,553	3.33	1,150	0.58
December.....	169,126	161,849	95.70	7,277	4.30	6,252	3.70	1,025	0.61
Total.....	1,940,191	1,865,110	.....	75,081	.....	64,163	.....	10,918	.....
Monthly Average.....	161,683	155,426	96.13	6,257	3.87	5,347	3.31	910	0.56

WESTERN CANADA

January.....	69,274	67,417	97.32	1,857	2.68	1,700	2.45	157	0.23
February.....	61,858	60,292	97.47	1,566	2.53	1,487	2.40	79	0.13
March.....	71,396	69,896	97.90	1,500	2.10	1,365	1.91	135	0.19
April.....	55,834	54,722	98.01	1,112	1.99	907	1.62	205	0.37
May.....	66,557	65,352	98.19	1,205	1.81	986	1.48	219	0.33
June.....	54,832	53,965	98.42	867	1.58	735	1.34	132	0.24
July.....	63,361	62,093	98.00	1,268	2.00	1,115	1.76	153	0.24
August.....	87,227	85,909	98.49	1,318	1.51	1,155	1.32	163	0.19
September.....	142,003	139,631	98.33	2,372	1.67	2,127	1.50	245	0.17
October.....	125,312	122,066	97.41	3,246	2.59	2,848	2.27	398	0.32
November.....	99,292	95,866	95.55	3,426	3.45	2,747	2.77	679	0.68
December.....	69,072	67,289	97.42	1,783	2.58	1,616	2.34	167	0.24
Total.....	966,018	944,498	.....	21,520	.....	18,788	.....	2,732	.....
Monthly Average.....	80,502	78,708	97.77	1,793	2.23	1,566	1.95	228	0.28

OTTAWA, February 29th, 1940

P. F. BAILLARGEON,
Secretary, B.T.C.

SUMMARY OF ORDERS ISSUED BY THE BOARD

- 58611. Jan. 30—Authorizing C.P.R. to operate under bridge over Highway No. 17, Township Dryden, Sudbury, Ontario.
- 58612. Jan. 30—Authorizing C.P. and C.N.Rys. to operate trains through interlocking plant at Coniston, Ontario.
- 58613. Jan. 30—Approving Bell Telephone Co's Supplement No. 1 to Agreement with Dept. of Lands and Forests, Ontario.
- 58614. Jan. 31—Approving installation of unloading rack, etc., of Imperial Oil Co., near C.P.R. at Kelfield, Sask.
- 58615. Feb. 1—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Section 9.
- 58616. Feb. 1—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Dominion Atlantic Ry. under Section 9.
- 58617. Feb. 1—Approving installation of unloading rack, etc., of Highway Paving Co. Ltd., near C.P.R. at Shawbridge, Que.
- 58618. Feb. 1—Amending Order 55797 of April 16, 1938, *re* train service between Oxford Jct. and Truro, N.S.
- 58619. Feb. 2—Approving abandonment of operation of C.N.Rys. siding across St. Leger and Breithaupt Sts., Kitchener, Ont.
- 58620. Feb. 3—Declaring C.P.R. crossing east of Strathmore Yard, Alta., protected to Board's satisfaction.
- 58621. Feb. 3—Declaring C.P.R. crossing M.1-85, La Riviere Subd., Man., protected to Board's satisfaction.
- 58622. Feb. 3—Authorizing C.N.R. to remove station at Lynn Valley, Ontario.
- 58623. Feb. 3—Declaring C.N.R. crossing of Main Street, Lucan, Ont., protected to Board's satisfaction.
- 58624. Feb. 5—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Section 3.
- 58625. Feb. 6—Authorizing L. E. Kipp, Agent, to amend rates on edible nuts, Tariff C.T.C. 723, on less than statutory notice.
- 58626. Feb. 6—Approving Standard Passenger Tariff C.T.C. No. 4, and Standard Goods Tariff No. 5 of Dominion Skyways Limited.
- 58627. Feb. 6—Declaring Central Vermont Ry. crossing of highway south of Des Rivières St., Quebec, protected to Board's satisfaction.
- 58628. Feb. 6—Approving installation of unloading rack, etc., of Sudbury Oil Co., Sudbury, Ont., C.P.R.
- 58629. Feb. 6—Declaring C.N.R. crossing east of Ville St. Pierre shelter, Montreal Tramways, Que., protected to Board's satisfaction.
- 58630. Feb. 6—Approving C.P.R. relocation of station building at Jamieson, Alta.
- 58631. Feb. 7—Amending Order 47997 of Jan. 19/32 *re* opening of crossing by Dept. of Highways of Saskatchewan over C.N.R. in S.E. ¼-24-44-11-W-3-M, Peacedale, Sask.
- 58632. Feb. 6—Authorizing C.P. and C.N.Rys. to operate trains through interlocking plant at crossings at Canpa, Ont.
- 58633. Feb. 7—Authorizing the issuing of Licence to Abitibi Navigation Co. Ltd. for transportation between all ports and places in Canada on Lakes, as far as west end of Island of Orleans.
- 58634. Feb. 7—Authorizing Can. Airways, Starratt Airways & Transportation Ltd. and Wings Ltd. to waive provisions of Rules and publish tariffs on less than statutory notice.
- 58635. Feb. 7—Approving less than standard clearance over sidings serving Maple Leaf Milling Co. Ltd., Point St. Charles, Montreal, Que.
- 58636. Feb. 7—Declaring C.P.R. crossing east of Chaudiere River Bridge, Magantic, Que., satisfactorily protected, speed limitation of 10 miles an hour to be maintained.
- 58637. Feb. 7—Declaring Pere Marquette crossing south of Dresden station, Ont., protected to Board's satisfaction.
- 58638. Feb. 7—Declaring C.N.R. crossing of Marion St., St. Boniface, Man., satisfactorily protected, speed limitation of 10 miles an hour to be maintained.
- 58639. Feb. 7—Declaring C.P.R. crossing of highway No. 28 east of Glen River, Que., protected to Board's satisfaction.
- 58640. Feb. 8—Approving Bell Telephone Co's Agreement with Department Lands & Forests, Ont., at Cartier, Ont.
- 58641. Feb. 8—Declaring C.N.R. crossing of Adelaide St., London, Ont., protected to Board's satisfaction.
- 58642. Feb. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Fredericton & Grand Lake Coal & Ry. Co., under Section 9.

- 58643. Feb. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian Pacific Ry. under Section 9.
- 58644. Feb. 8—Approving under Maritime Freight Rates Act tolls published in tariffs filed by Canadian Pacific Railway under Section 9.
- 58645. Feb. 8—Declaring C.P.R. crossing of Peter and Wellington Sts., Toronto, Ont., protected to Board's satisfaction.
- 58646. Feb. 8—Authorizing the issuing of licence to Northland Steamships Co. Ltd. for transportation by water between all ports and places in Canada on Lakes Ontario, Erie, Huron, etc.
- 58647. Feb. 8—Authorizing the issuing of Licence to Norris Steamships Ltd. for one year from January 15, 1940.
- 58648. Feb. 9—Declaring C.P.R. crossing west of Stettler Station, Alta., satisfactorily protected, speed limitation of ten miles an hour to be maintained.
- 58649. Feb. 15—Approving under Maritime Freight Rates Act tolls published in tariffs filed by the Canadian Pacific Ry. under Section 9.
- 58650. Feb. 9—Approving under Maritime Freight Rates Act tolls published in Tariff E-2248 filed by C.N.Rys. under Section 3 to St. Honore, Que., and other points.
- 58651. Feb. 10—Authorizing Mun. Corp'n. of Como, Que., to construct highway across C.P.R. west of Como Station, Que., Montreal-Ottawa Subd'vn.
- 58652. Feb. 12—Declaring C.N.R. crossing of Main Street, Farnham, Que., protected to Board's satisfaction.
- 58653. Feb. 12—Approving under Maritime Freight Rates Act tolls published in Tariff E-1906 filed by C.N.Rys. under Section 3.
- 58654. Feb. 12—Authorizing C.N.R. to construct spur tracks across Hamilton and James Sts., Lindsay, Ont.
- 58655. Feb. 12—Authorizing the issuing of licence to Canadian Airways Ltd., for transportation between Charlottetown, P.E.I. and Moncton, N.B.
- 58656. Feb. 12—Authorizing Dept. of Roads, Quebec, to construct subway under C.N.R. tracks, M. 10-12, Cornwall Sub., Montreal-Ste. Anne de Bellevue Blvd., Dorval, Que.
- 58657. Feb. 12—Approving under Maritime Freight Rates Act tolls published in Tariff C.T.C. 1063 filed by Dominion Atlantic Ry. under Section 9.
- 58658. Feb. 12—Approving under Maritime Freight Rates Act tolls published in Item A, Supplement No. 60, C.T.C. Tariff 1006, filed by Dom. Atlantic Ry. under Section 9.
- 58659. Feb. 12—Approving under Maritime Freight Rates Act tolls published in Item 171, Supp. 61 to C.T.C. Tariff 1006, filed by Dom. Atlantic Ry. under Section 9.
- 58660. Feb. 12—Declaring C.N.R. crossing east of Welland Jct., Ont., protected to Board's satisfaction.
- 58661. Feb. 13—Declaring C.N.R. (Fishers Crossing) east of Burlington Station, Ont., protected to Board's satisfaction.
- 58662. Feb. 13—Approving Appendix "A" of Traffic Agreement between Bell Telephone Co. and the Rupert and North Wakefield Telephone Co. Ltd.
- 58663. Feb. 13—Approving Standard Passenger Tariff of Georgian Bay Tourist Co., Midland, Ontario.
- 58664. Feb. 20—Approving and prescribing regulations *re* issuing and recording of Passes and Reduced Rates certificates by Air Carriers.
- 58665. Feb. 15—Declaring C.N.R. crossing west of Copetown Station, Ont., protected to Board's satisfaction.
- 58666. Feb. 15—Approving less than standard clearance on C.P.R. trackage serving Hillcrest-Mohawk Collieries Ltd., at Bellevue, Alta.
- 58667. Feb. 15—Authorizing the issuing of licence to Wings Ltd. for transportation between Kenora and Straw Lake and intermediate points, Ontario.
- 58668. Feb. 15—Authorizing the issuing of licence to Upper Lakes and St. Lawrence Transportation Co. Ltd. covering several vessels for transportation between all ports and places in Canada as far seaward as west end of Island of Orleans.
- 58669. Feb. 15—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.P.R. under Section 9.
- 58670. Feb. 15—Authorizing the issuing of licence to Blue Line Motorships Ltd. for transportation between all ports and places in Canada as far seaward as west end of Island of Orleans.
- 58671. Feb. 15—Approving location of warehouse, etc., of Imperial Oil Co. Ltd. near C.N.R. at Spiritwood, Sask.
- 58672. Feb. 15—Approving installation of gasoline storage tank, etc., of C. Peterson, near C.N.R. at Waterloo, Ont.
- 58673. Feb. 15—Declaring C.N.R. crossing of Water St., Burlington, Ont., protected to Board's satisfaction, speed limitation of ten miles an hour to be maintained.

58674. Feb. 15—Declaring C.P.R. crossing west of Gull Lake, Sask., protected to Board's satisfaction.
58675. Feb. 15—Amending Order 58091 of Oct. 13, 1939, authorizing Dept. of Roads for New Brunswick to divert highway No. 20 between Edmundston and Clair, N.B.
58676. Feb. 16—Authorizing abandonment of operation by Pere Marquette Ry. of spur track serving B. Jaspersen's brick plant at Coatsworth, Ontario.
58677. Feb. 17—Authorizing the issuing of licence to Sarnia Steamships Ltd. for transportation between all ports and places in Canada as far seaward as west end of Island of Orleans.
58678. Feb. 22—Approving under Maritime Freight Rates Act tolls published in Supplement 5 to Tariff C.T.C. 1050, filed by Dominion Atlantic Rly. under Section 9.
58679. Feb. 16—Requiring C.P.R. to appoint temporary agent at Glen Bain, Sask., for grain shipping season; also caretaker.
58680. Feb. 16—Dismissing complaint of H. W. Johnson, God's Lake, Man., *re* discrimination in freight rates for plane load lots from Ilford to God's Lake by Canadian Airways Ltd.
58681. Feb. 17—Permitting L. E. & Northern Ry. Co. to remove signalman and diamond at crossing of Brantford St. Ry., Grand Avenue, Brantford, Ont.
58682. Feb. 17—Declaring C.P.R. crossing of Beaubien Ave., Montreal, Que., protected to Board's satisfaction.
58683. Feb. 19—Authorizing the issuing of licence to Trans-Canada Air Lines for transportation between Lethbridge, Calgary and Edmonton, Alta.
58684. Feb. 17—Approving Supplement to service station contract between Bell Telephone Co. and the Coulson-Jarratt Telephone Co. Ltd.
58685. Feb. 17—Amending Order 57439 of May 13/39, granting leave to C.P.R. to operate interlocking plant at crossing of K.V. and C.N.P. Rys. at Hope, B.C.
58686. Feb. 17—Authorizing the issuing of licence to Trans-Canada Air Lines for transportation between Vancouver, B.C., and Moncton, N.B., and intermediate points.
58687. Feb. 17—Authorizing the issuing of licence to Trans-Canada Air Lines for transportation between Vancouver, B.C., and Seattle, Wash., U.S.A.
58688. Feb. 19—Authorizing C.N.R. to open for traffic Sunny-Brae-Guysboro line between M. 10 and 12-89, Nova Scotia.
58689. Feb. 19—Approving station building of C.P.R. at Lochaber, Que.
58690. Feb. 19—Amending Order 36824, Sept. 22/25 *re* wages of watchman at track of C.N.R. on Water St., Winnipeg.
58691. Feb. 19—Approving Supplement 1 to service station contract between Bell Telephone Co. and Pike River Farmers' Telephone Association.
58692. Feb. 19—Authorizing C.N.R. to construct road diversion and highway crossing in S.E. $\frac{1}{4}$ -12-12-18 W. 1 M. Harte Subdivision, Man.
58693. Feb. 13—Dismissing complaint United Grain Growers Ltd., Winnipeg, and others against instructions issued by Railway Association of Canada *re* supplying of 40- and 50-ton cars, etc.
58694. Feb. 19—Rescinding several Orders of Board *re* wages of watchman at crossing of C.P.R. by Winnipeg Electric Co. on Logan Avenue, Winnipeg, Man.
58695. Feb. 19—Authorizing the C.P.R. to operate engines, cars, etc., over siding of Canadian Collieries (Dunsmuir) Ltd., leading from Esquimalt & Nanaimo Ry. tracks at Nanaimo, B.C.
58696. Feb. 21—Approving addition of time lock at interlocking plant at crossing of C.N.R. and B. C. Electric Ry. at Chilliwack, B.C.
58697. Feb. 20—Approving under Maritime Freight Rates Act tolls published in tariffs filed by C.N.Rys. under Section 3.
58698. Feb. 20—Authorizing C.N.R. to use and operate bridge M. 59-7 Cowichan Sub. B.C.
58699. Feb. 20—Declaring C.N.R. crossing south of North River Bridge, St. Jerome, Que., protected to Board's satisfaction.
58700. Feb. 20—Declaring C.N.R. crossing north of St. Agnes station, Que., protected to Board's satisfaction.
58701. Feb. 20—Relieving C.P.R. from maintaining cattle guards at highway crossing M. 37-79, 38-05 and 39-52, Belleville Subd., Ont.
58702. Feb. 20—Dismissing application for abandonment of operation C.N.R. line between Louise and Deloraine, Man.
58703. Feb. 21—Declaring C.N.R. crossing of Gladstone Ave., Ottawa, Ont., protected to Board's satisfaction, requiring north and southbound trains to limit speed.
58704. Feb. 21—Relieving C.P.R. from maintaining cattle guards at highway crossings M. 64-16 and 64-34, Kingston Subd., Ont.
58705. Feb. 21—Approving location and details of C.N.R. station at Godefroy, Que.
58706. Feb. 21—Permitting L.E. & N. Ry. Co. to remove diamond at crossing by Brantford St. Ry. at Morrell St. Brantford, Ont.

- 58707. Feb. 21—Authorizing C.N.Ry. to construct second main line across certain streets in Town of Truro, N.S.
- 58708. Feb. 21—Authorizing the issuing of licence to Prairie Airways Ltd. for transportation between Regina and other points in Saskatchewan.
- 58709. Feb. 21—Relieving C.P.R. from maintaining cattle guards at M.8-19, Havelock Subd., Twp. South Sherbrooke, Ont.
- 58710. Feb. 21—Authorizing C.N.R. to open for traffic second main line from M.61-51 Bedford Subd., N.S., Truro Yard.
- 58711. Feb. 21—Declaring C.N.R. crossing of highway at Melville, Sask., protected to Board's satisfaction.
- 58712. Feb. 22—Approving addition of time lock, etc., at interlocking plant, C.N. and C.P. crossings at Lyalta, Alta.
- 58713. Feb. 22—Approving addition of time lock, etc., at interlocking plant, C.N. and C.P. crossing at Hartney, Man.
- 58714. Feb. 21—Approving addition of time lock, etc., at interlocking plant, C.N. and C.P. crossing at Findlay, Man.
- 58715. Feb. 22—Approving addition of time lock, etc., at interlocking plant, C.N. and C.P. crossing at Stettler, Alta.
- 58716. Feb. 22—Approving addition of time lock, etc., at interlocking plant at C.N. and C.P.R. crossing, Yorkton, Sask.
- 58717. Feb. 22—Approving addition of time lock, etc., at interlocking plant at C.N. and C.P.R. crossing, Forward, Sask.
- 58718. Feb. 22—Approving under Maritime Freight Rates Act tolls published in Tariff C.T.C. 1119, filed by Dominion Atlantic Ry. under Section 9.
- 58719. Feb. 22—Authorizing certain officials of Northwest Steamships Ltd. to prepare and issue tariffs of tolls.
- 58720. Feb. 22—Approving French text of C.P.R. "Special Contract with Attendants in charge of Stock."
- 58721. Feb. 22—Authorizing W. M. Matthews, Agent, to cancel on less than statutory notice Item in Tariff C.T.C. 1161.
- 58722. Feb. 22—Approving French text of C.N.R. "Special Contract with Attendants in charge of Stock."
- 58723. Feb. 22—Authorizing C.N.R. to construct viaduct over highway M.1-3, Stettler Subd. M.D. of Lloyd George 457, Alta.
- 58724. Feb. 22—Approving addition of time lock, etc., at interlocking plant at C.N. and C.P.R. crossing near Bienfait, Sask.
- 58725. Feb. 22—Approving addition of time lock, etc., at interlocking plant at C.N.R. and C.P.R. crossing, Camrose, Alta.
- 58726. Feb. 22—Approving addition of time lock, etc., at interlocking plant at C.P.R. and C.N.R. crossing, Carlyle, Sask.
- 58727. Feb. 23—Authorizing the issuing of licence to United Air Lines Transport Corp'n for transportation between Seattle, Wash., and Vancouver, B.C.
- 58728. Feb. 23—Permitting C.P.R. to remove station agent at McGaw Station, Ont., and appoint caretaker.
- 58729. Feb. 23—Authorizing L. E. Kipp, Agent, to amend Tariff C.T.C. 723 on less than statutory notice.
- 58730. Feb. 23—Approving addition of time lock, etc., to interlocking plant at crossing of C.P.R. and C.N.R. at Maryfield, Sask.
- 58731. Feb. 23—Approving addition of time lock, etc., at interlocking plant at crossing of C.P.R. and C.N.R. at Morris, Man.
- 58732. Feb. 23—Approving addition of time lock, etc., at interlocking plant at crossing of C.P.R. and C.N.R. near Deer, Man.
- 58733. Feb. 23—Approving installation of time lock at interlocking plant at crossing of C.P.R. and C.N.Rys. near Chandler, Sask.
- 58734. Feb. 24—Declaring C.N.Rys. crossing, first east of Noranda, Que. (Makamik Road Crossing) protected to Board's satisfaction.
- 58735. Feb. 26—Authorizing issuance of licence to Burke Towing & Salvage Co., Ltd., for water transportation.
- 58736. Feb. 21—Approving installation of additional storage tanks, etc., of North Star Oil, Ltd., near C.P.R. at Swift Current, Sask.
- 58737. Feb. 24—Directing that Bell Telephone Co. and Oakville Water & Light Commission each bear and pay cost of removing their respective facilities affected by construction of subway under 7th Line Road, Oakville, Ont., C.N.Rys.
- 58738. Feb. 24—Declaring C.N.Rys. crossing, second east of Port Colborne, Ont., satisfactorily protected, speed limitation of 10 miles an hour to be maintained.
- 58739. Feb. 24—Declaring N. St. C. & T. Ry. crossing of Lincoln St., Welland, Ont., protected to Board's satisfaction.
- 58740. Feb. 26—Approving under Maritime Freight Rates Act, tolls published in tariffs filed by C.N.Rys. under Section 3.

58741. Feb. 27—Approving under Maritime Freight Rates Act tolls published in tariff filed by Dominion Atlantic Ry. under Section 9.
58742. Feb. 27—Authorizing C.P.R. to construct spur to serve Department of National Defence (R.C.A.F. Station) at mileage 101.29 Belleville Subd'n., Ont.
58743. Feb. 27—Amending Order 58601, Jan. 27, 1940, *re* protection at first crossing south of Charlesbourg Station, Que., C.N.Rys.
58744. Feb. 28—Amending Order 54075, Feb. 11, 1937, *re* widening of St. Henry Place crossing of C.N.Rys. at Montreal, Que.
58745. Feb. 27—Requiring C.P.R. to carry out signal changes for control of gauntlet signals from Park Avenue Station, at Laval Rapides, Que.
58746. Feb. 27—Declaring C.P.R. crossing, first east of Waterdown North Station, Ont., protected to Board's satisfaction.
58747. Feb. 27—Approving and authorizing less than standard clearances at C.N.Rys. spur serving Chrysler Corpr'n at Windsor, Ont.
58748. Feb. 27—Dismissing application of C.N.Rys. to amend Order 52798 *re* protection of Walton St., Port Hope, Ont., by watchmen.
58749. Feb. 27—Amending Order 58695, Feb. 19, 1940, *re* operation of engines and cars of Esquimalt & Nanaimo Ry. over Canadian Collieries from Stockett to Nanaimo, B.C.
58750. Feb. 28—Authorizing W. M. Matthews to amend his tariff C.T.C. No. 992 by cancellation of Items 200-A, 1260, 1440, 1450, 1320-B, 1420 and 1430, upon five days' notice.
58751. Mar. 4—Approving Traffic Agreement between Bell Telephone Co., and Township of Maidstone.
58752. Feb. 28—Declaring C.P.R. crossing of Aylmer St., Peterboro, Ont., satisfactorily protected, switching movements over crossing to be protected by flagman and speed limitation of ten miles an hour to be maintained.
58753. Feb. 28—Authorizing issuance of Licence to British Yukon Nav. Co., Ltd., for air transportation.
58754. Feb. 28—Amending Order 58641, Feb. 8, 1940, *re* protection of C.N.Rys. crossing of Adelaide St., London, Ont.
58755. Feb. 28—Declaring C.N.Rys. crossing, first east of Agincourt, Ont., protected to Board's satisfaction.
58756. Feb. 28—Declaring C.P.R. crossing, first north of Harmsworth, Man., protected to Board's satisfaction.
58757. Feb. 28—Declaring C.N.Rys. crossing of Belmill Road, east of Tillsonburg, Ont., protected to Board's satisfaction.
58758. Feb. 28—Authorizing Northwest Steamships Ltd. to amend its tariff C.T.C. No. 8 by cancellation of certain items.
58759. Feb. 29—Approving abandonment by C.N.Rys. of its Renfrew Subd'n between Arnprior and Eganville, Ont. (37.91 miles).
58760. Feb. 29—Approving agreements between Nipissing Central Ry., and La Compagnie de Telephone du Nord, Canadian International Paper Co., and Northern Telephone Co., Ltd., and Bell Telephone Co.
58761. Feb. 29—Relieving C.N.Rys. from maintaining fences at certain points on their Grand Falls Subd'n, N.B.

NOTICES, ORDERS IN COUNCIL, ETC.

The following Orders in Council are reproduced for the information of all concerned:—

P.C. 701

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 20th day of February, 1940.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

Whereas Section 13(1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of said Part III, license aircraft to transport passengers and/or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada;

And whereas subsection (1) (b) of Section 15 of The Transport Act, 1938, provides that Part III of the said Act shall be applicable to transport by air only by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of said Part III may fittingly be applied to such air services;

And whereas the Minister of Transport reports that, under date the 18th of January, 1940, The Board of Transport Commissioners for Canada has advised that it is of the opinion that all the provisions of Part III of The Transport Act, 1938, may fittingly be applied to air services between the undermentioned points and places, designated for identification purposes by the route number shown, and recommends that the said points and places be named by the Administrator in Council under the provisions of Section 15 (1) (b), namely, as follows:—

Route No.

Points and Places

C. 55	Roberval, St. Félicien, Chigobiche Lake, Chamouchouane Lake, Nikabau Lake, Opemisca Lake, Lake Chibougamau, Lac aux Dorés, Lake Bourdeau, Rush Lake, Wakonichi Lake, Mistassini Post, Dolbeau, in the Province of Quebec;
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such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of subsection (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above-mentioned points and places, designated as Route No. C. 55, as recommended by The Board of Transport Commissioners for Canada.

H. W. LOTHROP,
Acting Clerk of the Privy Council.

P.C. 763

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 23rd day of February, 1940.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

Whereas Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada, may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of said Part III, license aircraft to transport passengers and/or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada;

And whereas by various Orders in Council, Part III of The Transport Act, 1938, has, pursuant to the provisions of subsection (1) (b) of Section 15 of the said Act, been made applicable to transport by air by means of reasonably regular air transport services between certain points and places designated by the route numbers shown in such Orders in Council, as recommended by the said Board;

And whereas the Orders in Council referred to are as follows:—

P.C. 953, dated April 26, 1939, rescinded in part, in respect of routes Nos. C. 11, C. 12 and C. 13, by Order in Council, P.C. 2989, dated October 5, 1939, and in respect of route No. C. 14 by Order in Council, P.C. 2668, dated September 14, 1939.

P.C. 1451, dated June 15, 1939.

P.C. 1823, dated July 15, 1939.

P.C. 1918, dated July 22, 1939.

P.C. 2005, dated July 27, 1939.

And whereas the said Order in Council, P.C. 953, dated April 26, 1939, was subsequently amended, in certain respects, by Orders in Council, P.C. 2140, dated August 2, 1939; P.C. 2141, dated August 2, 1939; P.C. 2186, dated August 11, 1939; and P.C. 2727, dated September 18, 1939;

And whereas under date the 26th of January, 1940, the Board of Transport Commissioners has advised that it has been found necessary to make numerous changes in the named points and places on Licences issued, and that it is desirable that the above mentioned Orders in Council be rescinded;

And whereas the Board further advises that it is of the opinion that all of the provisions of Part III of The Transport Act, 1938, may fittingly be applied to air services between the undermentioned points and places designated for identification purposes by the route numbers shown, and recommends that these points and places be named under the provisions of said subsection (1) (b) of Section 15, namely, as follows:—

Route No.	Points and Places
C. 15	Sioux Lookout and/or Hudson, Pickle Lake, Doghole Bay, Uchi Lake, in the Province of Ontario;
C. 16	Sioux Lookout and/or Hudson, Uchi Lake, Jackson Manion, Swain Post, Casummit Lake, Red Lake, Goldpines, in the Province of Ontario;
C. 17	Sioux Lookout and/or Hudson, Red Lake, McKenzie Island, Madsen, Cole, Golden Arm, Goldpines, Uchi Lake, in the Province of Ontario;
C. 18	Kenora, Red Lake, McKenzie Island, Minaki, Golden Arm, Cole, Madsen, in the Province of Ontario;
C. 19	Kenora, Witch Bay, Whitefish Bay, Straw Lake, Rowan Lake, Populus Lake, in the Province of Ontario;

Route No.	Points and Places
C. 20	Ilford, Oxford House, Knee Lake, Gods Lake, Cross Lake, Norway House, Island Lake, in the Province of Manitoba; Sachigo, in the Province of Ontario;
C. 21	Winnipeg and/or Lac du Bonnet, Beresford Lake, in the Province of Manitoba; Red Lake, McKenzie Island, Cole, Golden Arm, Madsen, in the Province of Ontario;
C. 22	Winnipeg and/or Lac du Bonnet, Maskwa, Bird Lake, Diana, Beresford Lake, Wadhope, Halfway Lake, Wallace Lake, Bissett, in the Province of Manitoba;
C. 23	Winnipeg and/or Lac du Bonnet, Berens River, Norway House, Gods Lake, in the Province of Manitoba; Sachigo, in the Province of Ontario; Island Lake, in the Province of Manitoba; Sandy Lake, Northwind Lake, South Trout Lake, Deer Lake, in the Province of Ontario; Little Grand Rapids, in the Province of Manitoba;
C. 24	Prince Albert, Big River, Dore Lake, La Plonge/Beauval, Ile à la Crosse, Pine River, Souris, Buffalo Narrows, Buffalo River, Clear Lake, La Loche, Cree Lake, Goldfields, Fond du Lac, Stony Rapids, Foster Lakes, Contact Lake, Stanley Mission, Sulphide Lake, Lac la Ronge, Montreal Lake, in the Province of Saskatchewan;
C. 25	Edmonton, Lac la Biche, McMurray, Bitumount, Chipewyan, Fitzgerald, in the Province of Alberta; Fort Smith, Rocher River, Taltson River, Resolution, Hay River, Providence, Simpson, Liard, in the Northwest Territories; Nelson Forks, Fort Nelson, in the Province of British Columbia; Wrigley, Norman, Good Hope, Arctic Red River, McPherson, Aklavik, in the Northwest Territories;
C. 26	Edmonton, Lac la Biche, S. Wabiskaw Lake, N. Wabiskaw Lake, Waterways, McMurray, Embarras Portage, Chipewyan, in the Province of Alberta; Goldfields, in the Province of Saskatchewan; Fitzgerald, in the Province of Alberta; Fort Smith, Resolution, Outpost Island, Yellowknife, Gordon Lake, Rae, Cameron Bay (Port Radium), Coppermine, in the Northwest Territories;
C. 27	Fort St. James, Pinchi Lake, Manson Creek, Germansen Lake, Germansen Landing, Takla Landing, Uslika Lake, Aiken Lake, Bear Lake, Prince George, in the Province of British Columbia;
C. 28	Vancouver, Port Alberni, Ucluelet, Tofino, McBride Bay (Port Tahsis), Nootka, Ceepeecee, Zeballos, in the Province of British Columbia;
C. 29	Flin Flon, in the Province of Manitoba; Pelican Narrows, Island Falls, in the Province of Saskatchewan;
C. 30	The Pas, Cormorant Lake, Reed Lake, Herb Lake, North Star Lake, Elbow Lake, Sherridon, Gurney Gold (Brune Lake), Cranberry Portage, Flin Flon, in the Province of Manitoba;
C. 31	Flin Flon, in the Province of Manitoba; Island Falls, South End, Rabbit River, in the Province of Saskatchewan; Brochet, in the Province of Manitoba;
C. 38	Sioux Lookout and/or Hudson, Pickle Lake, Doghole Bay, Uchi Lake, in the Province of Ontario;
C. 39	Sioux Lookout and/or Hudson, Uchi Lake, Jackson Manion, Red Lake, Casummit Lake, Swain Post, Goldpines, in the Province of Ontario;
C. 40	Winnipeg and/or Lac du Bonnet, in the Province of Manitoba; Madsen, McKenzie Island, Red Lake, Cole, Golden Arm, in the Province of Ontario; Beresford Lake, in the Province of Manitoba;
C. 41	Winnipeg and/or Lac du Bonnet, in the Province of Manitoba; Favourable Lake, Sandy Lake, Northwind Lake, in the Province of Ontario;
C. 42	Winnipeg and/or Lac du Bonnet, Beresford Lake, Bissett, Bird River, Maskwa, Wadhope, Diana, Halfway Lake, Wallace Lake, in the Province of Manitoba;
C. 44	Atlin, Telegraph Creek, in the Province of British Columbia;
C. 45	Vancouver, Tofino, Zeballos, in the Province of British Columbia;
C. 46	Kenora, McKenzie Island, Red Lake, Minaki, Madsen, Cole, Golden Arm, in the Province of Ontario;
C. 47	Kenora, McKenzie Island, Red Lake, Minaki, Madsen, Favourable Lake, in the Province of Ontario;
C. 48	Winnipeg and/or Lac du Bonnet, Gods Lake, in the Province of Manitoba; Sachigo, in the Province of Ontario; Ilford, Norway House, Little Grand Rapids, in the Province of Manitoba; Deer Lake, in the Province of Ontario; Island Lake, in the Province of Manitoba;
C. 49	Hudson and/or Sioux Lookout, Uchi Lake, Goldpines, Jackson Manion, McKenzie Island, Red Lake, in the Province of Ontario; Lac du Bonnet and/or Winnipeg, in the Province of Manitoba; Swain Post, Casummit Lake, Cole, Golden Arm, Madsen, in the Province of Ontario;
C. 50	Hudson and/or Sioux Lookout, Uchi Lake, Pickle Lake, Doghole Bay, in the Province of Ontario;

Such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

Now, therefore, His Excellency the Administrator in Council, on the recommendation of the Minister of Transport, is pleased to rescind the said Orders in Council, namely,—

- P.C. 953, dated April 26, 1939.
- P.C. 1451, dated June 15, 1939.
- P.C. 1823, dated July 15, 1939.
- P.C. 1918, dated July 22, 1939.
- P.C. 2005, dated July 27, 1939.
- P.C. 2140, dated August 2, 1939.
- P.C. 2141, dated August 2, 1939.
- P.C. 2186, dated August 11, 1939.
- P.C. 2727, dated September 18, 1939.

and they are hereby rescinded accordingly.

His Excellency in Council is further pleased, pursuant to the provisions of subsection (1) (b) of Section 15 of The Transport Act, 1938, to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the points and places above listed and designated by the route numbers shown, as now recommended by The Board of Transport Commissioners for Canada.

H. W. LOTHROP,
Acting Clerk of the Privy Council.

P.C. 804

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 28th day of February, 1940.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

WHEREAS Section 13 (1) of Part III of The Transport Act, 1938, provides that The Board of Transport Commissioners for Canada may, notwithstanding anything contained in the Aeronautics Act, subject to the provisions of said Part III, license aircraft to transport passengers and/or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada;

AND WHEREAS sub-section (1) (b) of Section 15 of The Transport Act, 1938, provides that Part III of the said Act shall be applicable to transport by air, only, by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of said Part III may fittingly be applied to such air services;

AND WHEREAS the Minister of Transport reports that, under date the 8th of February, 1940, The Board of Transport Commissioners for Canada has advised that it is of the opinion that all the provisions of Part III of The Transport Act, 1938, may fittingly be applied to air services between the under-mentioned points and places, designated for identification purposes by the route number shown, and recommends that the said points and places be named by the Administrator in Council under the provisions of Section 15 (1) (b), namely, as follows:—

Route No.

Points and Places

C. 56 Savant Lake and Pickle Lake, in the Province of Ontario.

such points and places to include the area surrounding the same where passengers embark or disembark, and/or goods shipped from and destined to the said points or places may be received and delivered;

NOW, THEREFORE, His Excellency the Administrator in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of sub-section (1) (b) of Section 15 of The Transport Act, 1938, is pleased to order that Part III of the said Act be and it is hereby made applicable to transport by air by means of reasonably regular air transport services between the above mentioned points and places, designated as Route No. C. 56, as recommended by The Board of Transport Commissioners for Canada.

H. W. LOTHROP,

Acting Clerk of the Privy Council

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